

# The Gazette of India



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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 6th Dec. 1958 :—

Issue No.	No. and date	Issued by	Subject
239	S.O. 2552, dated 4th December, 1958.	Ministry of Transport and Communications.	Appointing Shri B. V. Vagh, as a member of the Inter-State Transport Commission.
240	S.O. 2553, dated 4th December, 1958.	Ministry of Food and Agriculture.	Authorising, Officers mentioned therein, to determine the average market rate of wheat in the State of Rajasthan.
241	S.O. 2554, dated 5th December, 1958.	Ministry of Commerce and Industry.	Recognition of the Saurashtra Oil and Oilseeds Association Ltd., Rajkot.
242	S.O. 2555, dated 5th December, 1958.	Election Commission, India.	Call to elect a person to fill the vacancy in the Chandauli Parliamentary Constituency, Uttar Pradesh.
	S.O. 2556, dated 5th December, 1958.	Do. . . . .	Appointing dates for bye-election in Chandauli Parliamentary Constituency, Uttar Pradesh.
	S.O. 2557, dated 5th December, 1958.	Do. . . . .	Fixing hours for the election in the Chandauli Parliamentary Constituency.
243	S.O. 2558, dated 5th December, 1958.	Ministry of Information and Broadcasting.	Certification of films mentioned therein.
244	S.O. 2559, dated 6th December, 1958.	Election Commission, India.	Direction that method of voting by marking the ballot paper shall be followed at all the polling stations in the bye-election from the Chandauli Constituency.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

**PART II—Section 3—Sub-section (ii)**

**Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).**

**ELECTION COMMISSION, INDIA**

*New Delhi, the 1st December 1958*

**S.O. 2566.**—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby appoints the Treasury Officer, Koraput, in addition to those appointed by its notification No. 434/9/56(1), dated the 7th January, 1957, to assist the Returning Officer for the Koraput Parliamentary constituency in the performance of his functions.

[No. 434/9/56(1).]

By Order,

S. C. ROY, Secy.

**MINISTRY OF FINANCE**

**(Department of Economic Affairs)**

*New Delhi, the 2nd December 1958*

**S.O. 2567.**—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 11 of the said Act shall not apply to the Swadesi Bank Ltd., Pathanamthitta, till the expiry of the 31st day of October 1959, in so far as the said section, by reason only of the constitution of a new District by name Alleppey in the Kerala State (*vide* Notification No. B2-1670/57/RD, dated 13th August 1957 of the Government of Kerala, Revenue Department), requires the said banking company to have paid-up capital and reserves of an aggregate value higher than the aggregate value of paid-up capital and reserves which it would have been required to have under the said section had the said District of Alleppey not been so constituted.

[No. F.4(127)-BC/58.]

D. N. GHOSH, Under Secy.

(Department of Economic Affairs)

New Delhi, the 3rd December 1958

S. O. 2568.—Statement of the Affairs of the Reserve Bank of India, as on the 28th November, 1958.

BANKING DEPARTMENT

LIABILITIES		Rs.	ASSETS		Rs.
Capital paid up . . . . .		5,00,00,000	Notes . . . . .		40,24,49,000
Reserve Fund . . . . .		80,00,00,000	Rupee Coin . . . . .		2,00,000
National Agricultural Credit (Long-term Operations) Fund . . . . .		25,00,00,000	Subsidiary Coin . . . . .		3,19,000
National Agricultural Credit (Stabilisation) Fund . . . . .		3,00,00,000	Bills Purchased and Discounted :—		
Deposits :—			(a) Internal . . . . .		..
(a) Government			(b) External . . . . .		..
(1) Central Government . . . . .		59,59,71,000	(c) Government Treasury Bills . . . . .		1,41,75,000
(2) Other Governments . . . . .		24,14,90,000	Balances held abroad* . . . . .		15,95,39,000
(b) Banks . . . . .		88,16,68,000	**Loans and Advances to Governments . . . . .		21,92,50,000
(c) Others . . . . .		116,88,88,000	Other Loans and Advances† . . . . .		54,37,58,000
Bills Payable . . . . .		15,10,35,000	Investments . . . . .		292,44,24,000
Other Liabilities . . . . .		20,02,11,000	Other Assets . . . . .		10,51,49,000
TOTAL . . . . .		436,92,63,000	TOTAL . . . . .		436,92,53,000

Dated the 3rd day of December 1958.

\*Includes Cash & Short term Securities.

\*\*Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 67,00,000 advanced to scheduled banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 28th day of November 1958.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in Banking Department . . . .	40,24,49,000		A. Gold Coin and Bullion :—		
Notes in circulation . . . .	1555,17,88,000		(a) Held in India . . . .	117,76,03,000	
Total Notes issued . . . .		1595,42,37,000	(b) Held outside India . . . .	..	
			Foreign Securities . . . .	164,67,56,000	
			TOTAL OF A . . . .		282,43,59,000
			B. Rupee Coin . . . .		138,26,07,000
			Government of India Rupee Securities . . . .		1174,72,71,000
			Internal Bills of Exchange and other commercial paper . . . .		..
TOTAL LIABILITIES . . . .		1595,42,37,000	TOTAL ASSETS . . . .		1595,42,37,000

Dated the 2nd day of December 1958.

H. V. R. IENGAR, Governor.

[No. F. 3(2)-F. 1/58.]

A. BAKSI, Jt. Secy.

(Department of Economic Affairs)

*New Delhi, the 6th December, 1958*

**S.O. 2569.**—In pursuance of sub-section (1) of section 5 of the Public Debt Act, 1944 (XVIII of 1944), and in supersession of all previous Notifications issued on the subject in so far as they relate to Government Securities as defined in the said Act and issued by the Central Government, the Central Government is pleased to declare that the said sub-section shall apply to the following public offices, namely:—

**A.—PUBLIC OFFICES OF THE GOVERNMENT OF INDIA**

- Accountants General.
- Accounts Officers of Railways under construction.
- Air Officer Commanding Headquarters, No. 1 Group.
- Air Officer Commanding, Headquarters Training Command, I.A.F. Bangalore.
- Air Officer Commanding-in-chief Headquarters Operational Command, I.A.F. Palam.
- Air Officer-in-charge, Administration, Air Headquarters, New Delhi.
- Air Officer-in-charge, Maintenance, Air Headquarters, New Delhi.
- Agricultural Marketing Adviser to the Government of India.
- Assistant Director of Hygiene.
- Assistant Directors of Medical Services.
- Assistant Directors of Supplies and Transport.
- Assistant Directors General, Ordnance Factories.
- Assistant Directors of Ordnance Services, Areas.
- Assistant Director, Remount, Veterinary and Farms.
- Assistant Inspectors of General Stores.
- Assistant Salt Commissioner.
- Brigadiers, A.O.C. at Headquarters Commands.
- Brigadier, A.S.C. Commands.
- Brigadiers, E.M.E. at Headquarters Commands.
- Captain Superintendent, I.N. Dockyard, Bombay.
- Chairman, Central Tractor Organisation, New Delhi.
- Chairman, Central Water and Power Commission, (Water Wing), New Delhi.
- Chairman, Coal Mines, Labour Housing Board.
- Chief Accountant, Vizagapatam Port, Vizagapatam.
- Chief Accounts Officers, Collectorate of Central Excise.
- Chief Accounts Officer of Customs, Bombay.
- Director of Audit, Food, Rehabilitation, Supply, Commerce, Steel and Mines.
- Chief Commissioners.
- Chief Controller of Telegraphs Stores.
- Chief Controller, Research and Development.
- Chief Director, Directorate of Sugar and Vanaspati.
- Chief Director of Purchase, Ministry of Food & Agriculture, Government of India.
- Chief Election Commissioner, New Delhi.
- Chief Engineers, Central P.W.D.
- Chief Engineers, Southern, Eastern and Western Commands.
- Chief Inspector, Chief Inspectorate of General Stores.
- Chief Inspector, Chief Inspectorate of Textiles and Clothing.
- Chief Inspector, Inspectorate of Electronics Equipment.
- Chief Inspector of Military Explosives.
- Chief Ordnance Officers, Ordnance Depots.

Chief Research Officer-in-charge, Central Marine Fisheries Research Station, Madapam.

Chief Research Officer-in-charge, Fisheries, Research Station, Barrackpore, Calcutta.

Chief Research Officer-in-charge, Marine Fisheries Research Station, Madras.

Chief Superintendent of Development Technical Development Establishment.

Collectors of Central Excise.

Collectors of Customs.

Commandant Armed Forces, Medical College, Poona.

Commandant, Army Ordnance Corps Centre.

Commandant, Army Ordnance Corps School.

Commandant, Border Scouts.

Commandant, E.M.E., Centre.

Commandant, E.M.E., School.

Commandant, Central Ordnance Depots/Central Ammunition Depots.

Commandant, Land/Air-Welfare School.

Commander, A.S.C. Areas/Divisions/Independent Sub-Area/Corps Troops.

Commander, Artillery Brigade.

Commanders, A.O.C. Division.

Commander Corps, Artillery Brigade.

Commander of a Division/Area.

Commander (Indep) Artillery Brigade.

Commander of a Brigade/Bridge/Area/Sub-area/Independent Sub-Area/Base.

Commander of a Corps.

Commander of a District.

Commander of an Independent Brigade Group.

Commander of a L&G Area/Theatre.

Commanders Works Engineers Military Engineering Services.

Commissioner, Delhi Municipal Corporation.

Commissioner for Workman's Compensation.

Commissioner of Income-tax.

Commodore-in-charge, Bombay.

Commodore-in-charge, Cochin.

Comptroller & Auditor General.

Comptroller, Kerala.

Controller of Armament Inspection.

Controller of Engineering & Vehicles.

Controller General of Defence Accounts, New Delhi.

Controller of Defence Accounts, Eastern Command, Meerut.

Controller of Defence Accounts, Western Command, Meerut.

Controller of Defence Accounts, Southern Command, Poona.

Controller of Defence Accounts (Other Ranks), Secunderabad.

Controller of Defence Accounts (Officers), Poona.

Controller of Defence Accounts, (Pensions), Allahabad.

Controller of Defence Accounts, (Factories) Calcutta.

Controller of Defence Accounts (Air Force), Dehradun.

Controller of Defence Accounts (Navy), Bombay.

Controller of Estate Duty.

Controllers of Telegraphs Stores.

Custodian of Evacuee Property, Bombay.

Custodian of Evacuee Property and Rehabilitation Commissioner, Ajmer.

Dean, Institute of Armament Studies, Kirkee.

- Deputy Assistant Director General, Bombay.  
 Deputy Assistant Director General, Madras.  
 Deputy Assistant Director General, Calcutta.  
 Deputy Assistant Director General, Karnal.  
 Deputy Assistant Directors of Supplies and Transport, Brigade Area/Sub-Area/Independent Sub-Area/Administrative Commandants/Base.  
 Deputy Custodian of Evacuee Property, Bombay.  
 Deputy Director General of Food, Ministry of Food & Agriculture.  
 Deputy Directors General, Ordnance Factories.  
 Deputy Directors of Medical Services (Commands).  
 Deputy Directors of Supplies and Transport.  
 Deputy Financial Adviser and Chief Accounts Officer, Ganga Bridge Project.  
 Deputy Financial Adviser and Chief Accounts Officer, Integral Coach Factory, Perambur, Madras.  
 Deputy Narcotics Commissioner, Ghazipur.  
 Deputy Salt Commissioner.  
 Deputy Sea Transport Officer, Bombay.  
 Development Commissioner, Kandala (Kutch).  
 Director, All India Institute of Hygiene and Public Health, Calcutta.  
 Director, B.C.G. Laboratory, Guindy, Madras  
 Director, Central Drugs Laboratory, Calcutta.  
 Director, Central Potato Research Institute, Simla.  
 Director, Central Research Institute, Kasauli.  
 Director, Central Water and Power Research Station, Poona.  
 Director, Central Rice Research Institute, Cuttack.  
 Director (Co-ordination and Statistics), Directorate General of Supplies and Disposals, New Delhi.  
 Director, Department of Anthropology.  
 Director General, Armed Forces. Medical Services.  
 Director General, All India Radio.  
 Director General of Archaeology in India.  
 Director General of Food, Ministry of Food and Agriculture.  
 Director General of Health Services.  
 Director General, Ordnance Factories.  
 Director General of Posts and Telegraphs.  
 Director, Indian Agricultural Research Institute.  
 Director, Indian Veterinary Research Institute, Izatnagar/Mukteswar.  
 Director, Malaria Institute of India, Delhi.  
 Director, National Sugar Institute, Kanpur.  
 Director of Advertising and Visual Publicity.  
 Director of Audit, Defence Services.  
 Director of Archives, Government of India.  
 Director of Artillery.  
 Director of Commercial Audit.  
 Director of Dairy Research, National Dairy Research Institute, Karnal.  
 Director of Inspection, (Customs and Central Excise), New Delhi.  
 Director of Inspection (Incometax), New Delhi.  
 Director of Inspection (Investigation), New Delhi.  
 Director of Mechanical Engineering.  
 Director of Medical College, Novagaoa.  
 Director of Medical Services (Army).  
 Director of Ordnance Services.  
 Director of Research and Development (General).

Director of Signals, Army Headquarters.  
 Director of Stores, Naval Headquarters.  
 Director of Supplies (Textiles), Bombay.  
 Director of Supplies and Disposals.  
 Director of Supplies & Transport.  
 Director of Technical Development & Production (Air).  
 General Manager, Posts & Telegraphs Workshops, Calcutta.  
 Director, Revenue Intelligence, New Delhi.  
 Director, Territorial Army.  
 Director, Zoological Survey of India, Calcutta.  
 District Managers, Telephones.  
 District Remount Officer, Army House and Mule Breeding Area.  
 Divisional Engineers, Telegraphs.  
 Embassy of India, Baghdad.  
 Field Controller of Military Accounts (O and CH) Poona and (Other Ranks), Secunderabad.  
 Financial Advisers and Chief Accounts Officers of Indian Railways.  
 Financial Adviser and Chief Accounts Officer, Main Line Electrification, Eastern and South Eastern Railways.  
 Financial Adviser and Chief Accounts Officer, S. E. Railway Construction.  
 Financial Adviser & Chief Accounts Officer Chitranjan Locomotive works.  
 Garrison Engineers.  
 General Managers, Telephones.  
 Inspector/Assistant Inspectors of General Stores.  
 Inspector of Metal and Steel.  
 Iron and Steel Controller, Calcutta.  
 Joint Controller of Defence Accounts, Patna.  
 Librarian, National Library.  
 Manager, Military Farms.  
 Master Assay Department and Silver Refinery Project, Calcutta.  
 Master-General of the Ordnance.  
 Master, India Security Press.  
 Masters of Mint.  
 Medical, Superintendent, Hospital for Mental Diseases, P.O. Kanke, Ranchi.  
 Military Secretary to the President of India.  
 Narcotics Commissioner, Simla.  
 Naval Officer-in-charge of a Port.  
 Naval Stores Officer, Bombay.  
 Officer Commanding a Remount Depot.  
 Officer Commanding a Unit specified in Annexure 'A'.  
 Officer Commanding, Air Transport Development Centre.  
 Officers Commanding, Army/Command/Combined/Engineering Equipment/  
 Station Workshop, E.M.E.  
 Officers Commanding, Engineer Stores Depots.  
 Officer Commanding Experimental Station.  
 Officer Commanding Station, Gwalior.  
 Officer Commanding Units specified in Annexure 'B'.  
 Officer Commanding Units specified in Annexure, 'C'.  
 Officer Commanding Jaisalmer Risala and Camel Battery.  
 Officer-in-charge of any Ordnance or clothing Factory.  
 Officer-in-charge, Army Service Corps Records.  
 Officer-in-charge, Clothing Inspection Depot.  
 Officer-in-charge, Defence Science Laboratory, New Delhi.  
 Officer-in-charge, Court of Wards, Ajmer-Merwara.

Officer-in-charge, E.M.E. Records.  
 Official Assignees.  
 Official Liquidators.  
 Officers Commanding, Ordnance.  
 Pay and Accounts Officer, Ministry of W.H. & S.  
 Pay and Accounts Officer, Ministry of Food and Agriculture.  
 Pay and Accounts Officer, Ministry of Rehabilitation.  
 Post Masters-General (including Director of Posts & Telegraphs).  
 President, Forest Research Institute and College, Dehradun.  
 President, Income Tax Appellate Tribunal, Bombay.  
 Principal, Central Institute of Education, Delhi.  
 Principal, College of Nursing, New Delhi.  
 Principal, Medical College Pondicherry.  
 Principal Sea Transport Officer, India.  
 Protector of Emigrants, Bombay.  
 Protector of Emigrants, Calcutta.  
 Protector of Emigrants, Madras.  
 Protector of Emigrants, Nagapattinam.  
 Registrar, Defence Science Organisation.  
 Resident Naval Officer at a Port.  
 Salt Commissioner.  
 Sea Transport Officer at a Port.  
 Secretaries to the Government of India.  
 Secretary, Indian Council of Agricultural Research.  
 Secretary, Railway Board.  
 Serologist and Chemical Examiner to the Govt. of India, Calcutta.  
 Superintendent of any Ordnance or Clothing Factory.  
 Superintendent of development, Technical Development Establishments.  
 Superintendent of Development, Defence Research Laboratory (Stores).  
 Superintendent-in-charge, Electronics Research and Development Establishment.  
 Managers of Telegraph Workshops (including Manager, Bombay, Telephone workshops).  
 Supply Officer-in-Charge, I.N. Pay Office, Bombay.  
 Surveyor-General of India.  
 Vice-President, Indian Council of Agricultural Research.

#### B—PUBLIC OFFICES OF THE STATE GOVERNMENTS.

Secretary, Andhra State Soldiers' Sailors' Airmans' Board.  
 Director of Endowments, Andhra Pradesh.  
 Commissioner, Civil Supplies, Andhra Pradesh.  
 Commissioner of Labour, Andhra Pradesh.  
 Inspector General of Local Admn. Andhra Pradesh.  
 Chief Engineers, Andhra Pradesh.  
 Director, Civil Supplies, Andhra Pradesh.  
 Divisional Engineers, Andhra Pradesh.  
 Headquarters Fire Service Commander, Hyderabad.  
 Commandants of Special Armed Police, Andhra Pradesh.  
 Police Radio Officer, Hyderabad.  
 Principals of Police Training Colleges, Andhra Pradesh.  
 Examiner of Local Fund Accounts, Andhra Pradesh.  
 Deputy Directors of Public Instructions, Andhra Pradesh.

District Educational Officers, Andhra Pradesh.

Headmasters and Headmistresses of Govt. High Schools and Training Schools, Andhra Pradesh.

Superintendent of Govt. of Secondary and Training Schools, Andhra Pradesh.

Secretary to the Commissioner for Govt. Examinations, Andhra Pradesh.

Secretary Board of Secondary Education, Andhra Pradesh.

Principals of Government colleges, Andhra Pradesh.

Director of Technical Education, Andhra Pradesh.

Divisional Inspectors of Schools, Andhra Pradesh.

Basic Education Officers, Andhra Pradesh.

Librarian, Andhra State Regional Library, Visakhapatnam.

Chief Conservator of Forests, Andhra Pradesh.

Conservator of Forests, Andhra Pradesh.

Silviculturists, Andhra Pradesh.

Working Plan Offices, Andhra Pradesh.

Registrar of Co-operative Societies, Andhra Pradesh.

Director of Agriculture, Andhra Pradesh.

Director of Animal Husbandary & Fisheries, Andhra Pradesh.

District Agricultural Officers, Andhra Pradesh.

Director of Printing, Andhra Pradesh.

Director, Mines and Geology, Andhra Pradesh.

Director of Medical Services, Andhra Pradesh.

District Medical Officers, Andhra Pradesh.

Superintendent of Govt. Hospitals, Andhra Pradesh.

Director of Public Health, Andhra Pradesh.

Special Officer, Indian Medicine Deptt., Andhra Pradesh.

Principal and Supdt. Nizamia Tibbi College and Nizamia General Hospital.

Principal & Superintendent Ayurvedic College and Hospital, Andhra Pradesh.

Assistant Special Officers, Indian Medicine Deptt., Andhra Pradesh.

Director of Industries and Commerce, Andhra Pradesh.

Inspector General of Registration and Stamps, Andhra Pradesh.

Excise Commissioner, Andhra Pradesh.

Deputy Excise Commissioners, Andhra Pradesh.

Jagir Administrator, Andhra Pradesh.

Chairman, Jagirdar's Debt Settlement Board, Hyderabad.

Financial Adviser and Chief Accounts Officer, Nagarjunasagar Project.

Chief Electrical Inspector to Govt. and Secretary, Licensing Board, Hyderabad.

State Mechanical Engineer, Public Works Deptt., Andhra Pradesh.

Radio Engineer, Andhra Pradesh.

Electrical Engineer, Andhra Pradesh.

Sanitary Engineer, Andhra Pradesh.

Nazim, Court of Wards, Andhra Pradesh.

Chief Controller of Accounts, Government Electricity Department, Andhra Pradesh.

Accounts Officers and Chief Accountants, Govt. Electricity Department, Andhra Pradesh.

State Port Officer, Kakinada.

Director, Central Stores, Purchasing Department, Andhra Pradesh.

Director of Treasuries and Accounts, Andhra Pradesh.

Director of Social Welfare, Andhra Pradesh.

Additional Director, National Employment Service, Andhra Pradesh.

Accounts Officer, Directorate of Industries, Bombay.

Accounts Officer, High Court, Bombay.

Accounts Officers and Chief Accountants of the Electricity Department, Madras.

Accounts Officer, Konya Project, Konya.

Additional District Deputy Commissioners, Bihar.

Additional District Magistrates, Bihar.

Additional Controller of Stores, Punjab.

Administrative Officer, Cochin Harbour.

Administrator General and Official Trustee, Punjab.

Treasurer Charitable Endowments, Punjab.

Architect to Government, Bombay.

Assistant Inspectors-General of Police.

Cane Commissioner, Uttar Pradesh.

Chairman, Electricity Board, Rajasthan.

Charity Commissioner, Bombay.

Chief Accounts Officer of Prohibition and Excise, Bombay.

Chief Conservator of Forests, Bihar.

Chief Conservator of Forests, Bombay.

Chief Conservator of Forests, Madhya Pradesh.

Chief Conservator of Forests, Srinagar.

Chief Conservator of Forests, Orissa.

Chief Conservator of Forests, Rajasthan.

Chief Conservator of Forests, Uttar Pradesh.

Chief Electrical Inspector to the Govt. of Madras.

Chief Engineers, Bihar.

Chief Engineers, Bombay.

Chief Engineer for Electricity, Madras.

Chief Engineer, Madras Highways Department.

Chief Engineers, Madras. P.W.D.

Chief Engineers, Orissa.

Chief Engineer, Public Health Engineering, West Bengal.

Chief Engineers, Uttar Pradesh.

Chief Engineer, Punjab.

Chief Engineers (PWD and Irrigation), Rajasthan.

Chief Inspector of Certified Schools, Poona.

Chief Inspector for Secondary Education, West Bengal.

Chief Inspectress for Women's Education, West Bengal.

Civil Judges (Senior Division), Bombay State.

Civil Surgeons, Madhya Pradesh.

Civil and Sessions Judges, Uttar Pradesh.

Collectors of Sales Tax, Bombay State, Bombay.

Collector of Commercial Taxes, Orissa.

Commandant Armed Police Battalions, West Bengal.

Commandant Eastern Frontier Rifles, West Bengal.

Commissioner, Excise & Taxation, Rajasthan.

Commissioner of Commercial Taxes, Orissa.

Commissioner of Excise, Madhya Pradesh.

Commissioner of Excise, West Bengal.

Commissioner of Police, Bombay.

Commissioner of Police, Calcutta.

Commissioner of Police, Hyderabad.

Commissioner of Sales Tax, Eastern Division Headquarters, Nagpur.  
 Commissioner for taking accounts, High Court, Bombay.  
 Conservator-General of Forests, West Bengal.  
 Conservator of Forests, Bihar.  
 Conservator of Forests, Orissa.  
 Conservators of Forests, Bombay State.  
 Conservators of Forests, Madras.  
 Conservators of Forests, Punjab.  
 Conservators of Forests, Uttar Pradesh.  
 Controller, State Accounts Department, Bangalore.  
 Controller of Printing and Stationery, Punjab.  
 Controller of Salt Revenue, Madras.  
 Controller of Stores, Punjab.  
 Court Receiver, High Court, Bombay.  
 Dean, Sir J. J. School of Art, Bombay.  
 Deputy Commissioner, Ajmer.  
 Deputy Commissioners, Bihar.  
 Collectors, Madhya Pradesh.  
 Deputy Commissioners, Punjab.  
 Deputy Commissioners, Orissa.  
 Deputy Conservators of Forests, Punjab.  
 Deputy Directors of Education, Uttar Pradesh.  
 Deputy Directors of Education, Bihar.  
 Deputy Inspectors of Schools.  
 Deputy Inspectors-General of Police.  
 Deputy General Manager, Kanpur Electric Supply Administration.  
 Deputy Registrar, High Court of Judicature, Allahabad, Lucknow Bench.  
 Deputy Sales Tax Commissioner, Uttar Pradesh.  
 Director, Cinchona Deptt., Madras.  
 Director, Development Department, Chawls, Bombay.  
 Director-General of Transportation, West Bengal.  
 Director, Govt. Cement Factory, Churk, U.P.  
 Director, Haffkine Institute, Bombay.  
 Director, Mines and Geology, Rajasthan.  
 Director of Agriculture, Madhya Pradesh.  
 Director of Agriculture, Uttar Pradesh.  
 Director of Agriculture, Bombay State, Poona.  
 Director of Agriculture, Madras.  
 Director of Agriculture, West Bengal.  
 Director of Animal Husbandry, Uttar Pradesh.  
 Director of Colonisation, Uttar Pradesh.  
 Director of Education, Ajmer.  
 Director of Education, Bombay State.  
 Director of Education, Delhi.  
 Director of Education, Uttar Pradesh.  
 Director of Excise and Prohibition, Bombay.  
 Director of Forests, Orissa.  
 Director of Fisheries, Madras.  
 Director of Government Printing and Stationery, Bombay.  
 Director of Fisheries, West Bengal.  
 Director of Government Transport, Madras.  
 Director of Health Services, Bihar.  
 Director of Health Services, West Bengal.

Director of Health Services, Madhya Pradesh.  
 Director of Industries and Central Purchasing Officer, Bombay.  
 Director of Industries and Commerce, Madras.  
 Director of Industries, Madhya Pradesh.  
 Director of Industries, Uttar Pradesh.  
 Director of Khadi, Madras.  
 Director of Medical College, Nova Goa.  
 Director of Medical Services, Madras.  
 Director of Medical and Health Services, Uttar Pradesh.  
 Director of Mines and Geology, Hyderabad State.  
 Director of Technical Education, Bombay.  
 Director of Technical Education, Madras.  
 District Agricultural Officers, Madras.  
 District Education Officers, Madras State.  
 District Inspectors of School, Madhya Pradesh.  
 District Inspectors of School, Uttar Pradesh.  
 District Judges.  
 District Magistrates/Deputy Commissioners.  
 District Medical Officers, Madras State.  
 District or Divisional Forest Officers.  
 Divisional Engineers, Madras Highways Department.  
 Divisional Superintendent of Education, Madhya Pradesh.  
 Electrical Engineer to the Govt. of Bombay.  
 Electrical Inspector, Orissa.  
 Examiner of Local Funds, Madras.  
 Excise Commissioner, Orissa.  
 Excise Commissioner, Uttar Pradesh.  
 Executive Engineers.  
 Export Trade Controller, Bombay.  
 Export Trade Controller, Calcutta.  
 Financial Adviser-cum-Chief Accounts Officer, Kosi Project.  
 Forest Utilisation Officer, Madras.  
 General Manager, Kanpur Electricity Supply Administration.  
 General Superintendent, Public Works, Workshops Stores, Madras.  
 Head Masters of Government Schools, Orissa.  
 Head Masters, Patwardhan High School, Nagpur and Govt. High School.  
 Bhandara.  
 Head Masters and Head Mistresses of Govt. High Schools in Madras State.  
 Head Mistresses, Govt. Girls' High Schools, Madhya Pradesh.  
 Huzur Secretary to H. H. the Maharaja of Mysore.  
 Inspectors-General of Police.  
 Inspectors-General of Prisons.  
 Inspectors-General of Registration.  
 Inspectors of Schools.  
 Regional Inspectresses of Girls' Schools.  
 Joint Secretaries to the Govt. of West Bengal.  
 Judges, Small Causes Courts.  
 Judicial Officer-in-charge, Excise, Mhow.  
 Judicial Officer-in-charge, Excise, Neemuch.  
 Labour Commissioner, Uttar Pradesh.  
 Local Excise Authority, Nowgong.

Member, Board of Revenue, Orissa.  
 Municipal Commissioner for Greater Bombay.  
 Official Receiver, Calcutta High Court.  
 Official Receiver, Madras High Court.  
 Pay Master, Carnatic Stipends, Madras.  
 Port Health Officer, Bombay.  
 Port Health Officer, Calcutta.  
 Port Officers, Madras State.  
 Power Alcohol Authority, Uttar Pradesh.  
 Presiding Officer of Court of Civil or Criminal Jurisdiction.  
 Principal, King George's School, Ajmer.  
 Principal, Lawrence School, Lovedale, (Nilgiris Hills).  
 Principal, Lawrence School, Sanawar (Simla Hills).  
 Principal of Government Colleges, Madhya Pradesh.  
 Principals of Govt. Colleges, Orissa.  
 Principals of Government Schools and Colleges, Madras State.  
 Principal, Police Training College, West Bengal.  
 Principal, veterinary college, Mathura.  
 Prothonotary and Senior Master, High Court, Bombay.  
 Public Health Engineer to Govt. of Bombay.  
 Public Health Engineers, Orissa.  
 Regional Commissioner.  
 Regional Food Controllers in Uttar Pradesh.  
 Registrar, Bombay City Civil Court.  
 Registrar, Co-operative Societies, Madhya Pradesh.  
 Registrar, Co-operative Societies, Madras.  
 Registrar of Co-operative Societies, Orissa.  
 Registrar, Co-operative Societies, Uttar Pradesh.  
 Registrar, of Co-operative Societies and Director of Agriculture, Marketing and Rural Finance, Poona.  
 Registrars of High Courts.  
 Registrars of all Presidency Courts of Small Causes.  
 Registrar of Joint Stock Companies, Bihar.  
 Registrar of Public and Parsi Public Trusts in the Bombay State.  
 Registrar, Testamentary and Admiralty Jurisdiction, High Court, Bombay.  
 Resident Engineers, Electricity Branch, Punjab.  
 Revenue Divisional Commissioners, Orissa.  
 Revenue Officer, Electricity Branch, Punjab.  
 Sales Tax, Commissioner, Uttar Pradesh.  
 Sanitary Engineer to the Govt. of Madras.  
 Secretary, High School Education Board, Madhya Pradesh.  
 President, Board of Revenue, Madhya Pradesh.  
 Secretary, Cantonment Boards, Punjab.  
 Secretary, Court of Wards in Uttar Pradesh.  
 Secretary to the Governor, Uttar Pradesh.  
 Chief Secretary or Secretary to all States and Union Territories.  
 Secretary to the Commissioner of Excise, Madras.  
 Secretary to the Governor of Bihar.  
 Secretary to the Governor of Orissa.  
 Secretary to the Govt. of Orissa.  
 Senior Professor of Persian, Ravenshaw College, Orissa.  
 Senior Subordinate Civil Judges.  
 Sheriff of Bombay.

Sheriff of Calcutta.  
 Special Officer, Emergency Irrigation Division, Orissa.  
 Special Supdt. of Police, Criminal Investigation Deptt., West Bengal.  
 Special Supdt. of Police, Criminal Investigation Deptt., West Bengal.  
 State Port, Officer, Madras.  
 Subdivisional Officer, Punjab.  
 Superintendent, Basic Normal School, Wardha.  
 Superintendent, Government Stationery Stores and Publication, Bihar.  
 Superintendent, J. J. Group of Hospitals, Bombay.  
 Superintendent, Govt. Hospital, Madras State.  
 Superintendents of Education.  
 Superintendents of Jails.  
 Superintendents of Police.  
 Superintendent, Printing and Stationery, Uttar Pradesh.  
 Superintendent of Proof and Experiment.  
 Superintendent of Sanskrit Studies, Orissa.  
 Superintendent of Stamp and Stationery, Madras.  
 Superintendents of Stationery, Govt. of West Bengal.  
 Superintendent, Presidency High School for Girls, Egmore.  
 Superintendent, Robertson Medical School, Nagpur.  
 Superintendent, Training Centre for the Adult Blind, Dehradun.  
 Superintending Engineers.  
 Superintending Engineer-in-charge, Deep Sea Fishing Station, Bombay.  
 Superintendent, Sea Transport Officer, Calcutta.  
 Tehsildar, Hatta (Sargar District) Madhya Pradesh.  
 Transport Commissioner, Uttar Pradesh.  
 Transport Controller, Orissa.  
 Treasury Officers.  
 Wasiqua Officer, Lucknow.  
 Director of Civil Supplies (Accounts) and Deputy Secretary to the Government of Bombay, Finance Department (Civil Supplies).  
 Director of Animal Husbandry.  
 Chairman, Executive Committee of the Bombay State Soldiers', Sailors and Airmen's Board.  
 Principal Port Officer and Engineer, Bombay State, Rajkot.  
 Superintendents of Government Hospitals in Bombay State.  
 Medical Officers in Charge of Government Hospitals in Bombay State.  
 Civil Surgeons, Bombay State.  
 Superintending Agricultural Officer, Aurangabad.  
 Superintending Agricultural Officer, Nagpur Division, Nagpur.  
 Superintending Agricultural Officer, Rajkot Division, Rajkot.  
 Superintending Agricultural Officer, Ahmedabad Division, Ahmedabad.  
 Superintending Agricultural Officer, Bombay Division, Nasik.  
 Superintending Agricultural Officer, Poona Division, Poona.  
 Principals of Government Agricultural Colleges, Bombay State.  
 Economic Botanist, Agricultural Department, Bombay State, Poona.  
 Agricultural Chemist, Agricultural Department, Bombay State, Poona.  
 Agricultural Entomologist, Agricultural Department, Bombay State, Poona.  
 Plant Pathologist, Agricultural Department, Bombay State, Poona.  
 Horticulturist, Agricultural Department, Bombay State, Poona.  
 Agricultural Economist, Agricultural Department, Bombay State, Poona.

Agronomist, Agricultural Department, Bombay State, Poona.  
 Soil Specialist, Agricultural Department, Bombay State, Sholapur.  
 Cotton Specialist, Agricultural Department, Bombay State, Surat.  
 Sugar Cane Specialist, Agricultural Department, Bombay State, Padegaon.  
 Oilseeds Specialists, Agricultural Department, Bombay State, Poona.  
 Wheat Specialist, Agricultural Department, Bombay State, Badnapur.  
 Research Engineer, Agricultural Department, Bombay State, Poona.  
 Horticulturist, Citrus Fruit Research Scheme, Nagpur.  
 Horticulturist, Citrus Die-Back Scheme.  
 Rice Specialist, Agricultural Department, Bombay State, Karjat.  
 Millets Specialist, Agricultural Department, Bombay State, Parbhani.  
 Regional Deputy Directors of Education, Bombay State.

Heads of Regional Offices of the Department of Technical Education, Bombay State.

Principals of Government Engineering Colleges and Polytechnics, Bombay State.

Principals of Govt. Arts Science and Professional Colleges, Bombay State.

Educational Inspectresses of Girls School, Bombay State.

Educational Inspectors of Districts, Bombay State.

Head Masters of Government Secondary Schools and Technical Schools, Bombay State.

Head Mistresses of Government Secondary Schools, Bombay State.

Additional Collectors of Sales Tax, Bombay State.

Director of Social Welfare, Bombay State, Poona.

Deputy Director of Industries (Stores purchase), Bombay State.

Police Surgeon, Bombay.

District Medical Officers, Bombay State.

Chief Medical Officers, Bombay State.

Administrative Medical Officer, Homeopathic Hospitals, Bombay.

#### C.—PUBLIC OFFICERS IN PAKISTAN

Accountant General.

A. G. Bahawalpur State.

Auditor General.

Chief Commissioner, Baluchistan.

Collectors of Central Excise.

Collectors of Customs.

Commandants, Royal Pakistan Army Service Corps and Records.

Commander-in-Chief, Army, Navy and Air Force.

Commissioners of Divisions.

Comptroller, N.W.F.P.

Defence Accounts Officers.

Deputy Commissioners.

Director General of Railways.

Director General, Posts and Telegraphs.

District Judges.

District Magistrates and Collectors.  
 Divisional Accounts Officers, Railways.  
 Executive Engineers.  
 Financial Advisers and Chief Accounts Officers, Railways.  
 Inspectors General of Police.  
 Inspectors of Schools.  
 Official Assignees.  
 Official Receivers.  
 Military Accountant General.  
 Post Masters General.  
 Protector of Emigrants.  
 Secretary to the Govt. of Pakistan.  
 Secretaries to Provincial Govts.  
 Supdt. of Police.  
 Treasury Officers.

#### ANNEXURE 'A'

Indian Artillery.—A Regiment, Battery or Centre.

Indian Engineers.—A Company, Squadron, Detached or Independent platoon or Troop, Printing Section, Regtl. Centre Headquarters Regiment or Group, a school of Military Engineering and any wing thereof, a Survey school of a Transportation school, a Training Battalion, a Depot. Battalion or any officer holding the appointment of officer in charge workshops or field works, or Supdt. of Instruction or Group Quartermaster.

Corps of Signals.—Signals Training Centre, School of Signals, Signals Record and Corps of Signals Units Commanded by an Officer of the Rank Lt. Col. and Independent Corps of Signals Units commanded by an officer of the Rank of not less than Major.

"Infantry.—A Battalion, a Regimental Centre and Record offices.

"Army Services Corps.—A Supply petroleum Unit Centre and Records, Animal Transport Regiment Coy, a Coy ASC (GT)/(TK/Tpt2)/Brigade (Amphibian).

(Air Despatch/(Pat Tankers) Ambulance platoon, Independent Transport Platoon Army Headquarters Transport coy Independent Tank Transport Platoon, coy ASC(Civil GT) Independent Transport Platoon ASC(Civil GT.) Service Corps School.

"Medical Units.—Army Medical Corps Centres, Military Hospitals, General Hospital, Field Ambulances, Light Field Ambulances, Para Field Ambulances, Hospital Ships, Anti-Malaria Training Units, Anti-Malaria Units, Ambulance Trains, Field Hygiene Sections, Light Field Hygiene Sections, Para Field Hygiene Sections, Armed Forces Medical Stores Depots, Field Surgical Units, Mobile Surgical Teams, Advance Base Transfusion Units, Artificial Limb Centres, Spectacle Centre, Casualty Clearing Stations, Staging Sections, Field Laboratories, Army Medical Corps Record Office, Station Hygiene Organisation, Command Military Dental Centres, Military Dental Centres, Armed Forces Medical Inspection Room, and Sub-Depot Medical Stores. Independent Coy Field Ambulance. Convalescent Depot. Command Pathological Laboratories. Command Hygiene.

Armoured Corps.—A regiment, Corps training Centre School, Armed Corps Depot and Armoured Corps Records.

"Educational and Training Establishments.—A school of training or instruction.

"Ordnance Establishments.—A Central Ordnance Depot, Central Ammunition Depot Ordnance, Depot Ammunition Depot, Vehicle Depot, Field Ordnance Depot, Ordnance Transit Depot, Ordnance Stores Section, Ordnance Field Park and any other Independent Ordnance Unit. Pioneer Corps Records and Depot.

## ANNEXURE 'B'

A composite Food Laboratory and a Food Inspection Unit.

## ANNEXURE 'C'

Air force Stations.—Jalahalli, Jorhat, New Delhi, Hyderabad.

Wings.	No. 1 Wing I.A.F.	No. 2 Wing I.A.F.
	No. 3 Wing I.A.F.	No. 4 Wing I.A.F.
	No. 5 Wing I.A.F.	No. 6 Wing I.A.F.
	No. 7 Wing I.A.F.	No. 8 Wing I.A.F.
	No. 9 Wing I.A.F.	Armament Training Wing.
Air Force Colleges.	Air Force Flying College.	
	Air Force Admin. College.	
	Air Force Technical College.	
Depots :	Nos. 1, B.R.D. and 2, 3 and 4 E.D.S.	
'X' MUS :	7 'X' MU and 8 'X' MU.	
Ground Training School :	No. 2 G.T.S.	

[No. 5(10)-W&M/58.]

A. G. KRISHNAN, Under Secy

## (Department of Economic Affairs)

*New Delhi, the 6th December 1958*

**S.O. 2570.**—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 17 of the said Act shall not apply to any banking company in so far as the said provisions have the effect of preventing appropriations from the reserve fund maintained in terms of the said section for the purposes of writing off the amount of losses on its investments in Government securities before declaring a dividend out of its net profits for the calendar year 1958.

[No. F. 4(140)-BC/58.]

**S.O. 2571.**—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of note (f) appended to Form A in the Third Schedule to the said Act shall not apply, until the 1st January 1959, to a banking company which, when the value shown in the inner column against any of the sub-heads (ii), (iii), (iv) and (v) of item 4 on the Property and Assets side of the said form exceeds the market value of the investments under that sub-head, shows separately within brackets the market value of the investments under that sub-head.

[No. F. 4(140)-BC/58.]

R. K. SESHADRI, Dy. Secy.

**COLLECTORATE OF CENTRAL EXCISE, CALCUTTA**

## CENTRAL EXCISE

Calcutta, the 25th November 1958

**S.O. 2572.**—In exercise of the powers conferred on me by Rule 233 of Central Excise Rules, 1944 read with Rules 49 and 53 of the Central Excise Rules, 1944, I hereby direct that:—

- (a) Soap shall be treated as manufactured for entry in Col. 4 of R.G. 1 at the stage when it is ready for packing or marketing i.e. when the soap bars or cakes are embossed and packed in the form in which they are sold in retail.
- (b) the manufacturers producing soap with the aid of power shall maintain the following records to meet the Central Excise requirements:--
  - (i) R.G. 1.
  - (ii) E.B. 4.
  - (iii) Stock cards.
  - (iv) Register of samples.
  - (v) Account of receipts and issue of duty paid soap from gift stores, if any.
  - (vi) Accounts of retail sales made in the factory premises.
  - (vii) Bulk soap account (household & laundry, *vide* Annexure 'A').
  - (viii) Bulk soap account (Tollet, *vide* Annexure 'B').
  - (ix) Register of soap scraps and sweepings (*vide* Annexure 'C').
  - (x) Weightment register of bulk soap (*vide* Annexure 'D').
- (c) Manufacturers producing soap without the aid of power in factories having installed capacity of less than 200 tons per annum shall maintain the records listed at (b) (i) and (ii) above i.e. R.G. 1 and E.B. 4; they need not, however, maintain other records listed in (b) above for the time being.
- (d) The Collectorate Notification No. 2-EX(MP)/56 dated 22nd February, 1956, and Central Excise Notification No. 16/57 dated 19th January, 1957, shall be treated as cancelled.

## ANNEXURE A

*Bulk soap account (household and laundry)*

Date	Opening balance	Quantity produced			Total	Issued for cutting		
		No. of moulds slabs	Net or cwts.	weight qrs. lbs.		No. of slabs moulds	Net or cwts.	weight qrs. lbs.
1	2	3	4	5	6	7		

Issued for stamping			Closing balance		Remarks
No. of slabs or moulds	Net weight cwt. qrs. lbs.	No. of moulds or slabs	Net weight cwt. qrs. lbs.		
8	9	10	11	12	

NOTE:—Where cutting and stamping are done simultaneously, entry in columns 6 & 7 shall be made with suitable notes being recorded against it.

## ANNEXURE B

*Bulk soap account (Toilet)*

Date	Qty. of chips weighed out for mixing Cwts. Qrs. Lbs.	Perfumery Colour	& added	Total	Remarks
1	2	3	4	5	

## ANNEXURE C

*Register of soap scraps or sweepings*

Date	Opening Balance	Weight of scraps & sweepings collected	Initials of Officer supervising weighments	Total	Quantity issued for remelting	Initials of Officer supervising weighing.
1	2	3	4	5	6	7

Closing Balance	Remarks
8	9

## ANNEXURE D

*Weightment register*

Date	No. of moulds of slabs ma- nufactured	No. weighed	Weight of each slab or mould weighed	Standard weight of the slab or mould	Difference
1	2	3	4	5	6

Initials of Officer super- vising weightment	Remarks
7	8

1.  
2.  
3.

[No. 18/1958.]

S. C. MATHUR, Collector

## THE MYSORE CENTRAL EXCISE COLLECTORATE, BANGALORE

## CENTRAL EXCISES

*Bangalore, the 26th November 1958*

S.O. 2573.—In pursuance of Rule 5 of the Central Excise Rules, 1944, I empower all Central Excise Officers of and above the rank of Asstt. Collectors of Central Excise to exercise within their respective jurisdictions the powers of Collector enumerated in Rule 96-K(2) of the said rules.

[No. 15/58.]

D. N. KOHLI, Collector.

## CENTRAL EXCISE COLLECTORATE, DELHI

## CENTRAL EXCISE

*New Delhi, the 4th December 1958*

S.O. 2574.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I empower the officers of Central Excise, Collectorate Delhi, specified in column 1 of the subjoined table to exercise within their respective jurisdictions, the power of a Collector under Rule enumerated in column 2.

TABLE

Rank of Officer	Central Excise Rules	Limitation, if any
1	2	3
Assistant Collector	96 K	..

[No. C. IV(8)1/58/59829.]

B. D. DESHMUKH, Collector.

**CENTRAL BOARD OF REVENUE****LAND CUSTOMS***New Delhi, the 6th December 1958*

**S.O. 2575.**—In exercise of the powers conferred by sub-section (1) of section 3 of the Land Customs Act, 1924 (19 of 1924), read with the notification of the Government of India in the late Finance Department (Central Revenues), No. 5944, dated the 13th December 1924, the Central Board of Revenue hereby makes the following further amendment in its notification No. 134-Customs, dated the 27th August, 1955, namely:—

For the Schedule to the said notification, the following Schedule shall be substituted; namely:—

"All Officers of the Rajasthan Civil Police (including C.I.D) and the Rajasthan Armed Constabulary, of and above the rank of Head Constable posted in the Districts of Barmer, Bikaner, Ganganagar, Jaisalmer and Jalore, and their Controlling Officers in the State of Rajasthan."

[No. 14.]

M. C. DAS, Secy.

**MINISTRY OF COMMERCE & INDUSTRY***New Delhi, the 6th December 1958*

**S.O. 2576.**—The following amendment made by the Saurashtra Oil and Oil-seeds Association Limited, Rajkot, to its Rules. In exercise of the powers conferred on it by sub-section (1) of section 9A of the Forward Contracts (Regulation) Act, 1952, (74 of 1952), and approved by the Central Government, is hereby published as required by sub-section (2) of the said section, namely:—

In the said rules, for clause (a) of Article 35, the following shall be substituted, namely:—

"(a) The Board shall consist of not more than 25 Directors constituted as under:—

- (i) Not more than six Directors to be elected by the members at the General Meeting from among the members of the Association.
- (ii) Not more than twelve Directors to be elected by the members of the respective Rings at the rate of two Directors per each Ring from among the members of the respective Rings, the election of such Directors being held at the respective Rings at least seven days before the date of the next Annual General Meeting. The Directors so elected shall hold office from after the conclusion of the said Annual General Meeting.
- (iii) One Director to be appointed by the Central Government as its representative.
- (iv) Not more than three Directors to be appointed by the Central Government to represent interests not directly represented through the membership of the Association.
- (v) Not more than three Directors, whether members of the Association or not, who may be co-opted by the Directors elected or appointed as per (i), (ii), (iii), and (iv), above, provided that the co-option of Directors shall be made by a majority of not less than  $\frac{3}{4}$  of the Directors present, the number of Directors present being not less than  $\frac{1}{3}$  or  $\frac{2}{3}$  of the total strength of the Board, whichever is less.

Provided that the Directors of the Association required to be elected for the first time under (i) above shall all be elected on the date of the Third Annual General Meeting of the Association and further provided that the Directors to be elected for the first time under (ii) above shall all be elected at least seven days before the date of the said meeting and the Directors so elected shall hold office from after the conclusion of the Third Annual General Meeting."

[No. 33(19)-TMP/FMC/58.]

K. V. VENKATACHALAM, Jt. Secy.

COFFEE CONTROL

New Delhi, the 9th December 1958

**S.O. 2577** The Central Government hereby notifies that each of the persons specified in column (2) of the Table hereto annexed has been elected as a member of the Coffee Board under sub-section (2) of section 4 of the Coffee Act, 1942 (7 of 1942) read with rules 3(2) and 4(1) of the Coffee Rules, 1955, to represent the interest shown against his name in the corresponding entry in column (3) thereof, namely :—

TABLE

Sl. No.	Name of the person elected	Interest represented.
(1)	(2)	(3)
1.	Shri U. K. Lakshman Gowda, Urvinkhan Estate, Javali P. O., Chikmagalur District.	Large growers in the State of Mysore.
2.	Shri C. I. Machia, Secretary, The Consolidated Coffee Estate (1943) Ltd., Pollibetta (Coorg).	
3.	Shri K. H. Srinivasan, C/o Shri K. Eswaran, Kebbetta Estate, Somwarpet Post (Coorg).	
4.	Shri P. G. Gurjer, Koppa Coffee and Rubber Estates, Koppa-Kadur.	
5.	Shri T. C. Manjappa Setty, Coffee Planter, Chikmagalur Post.	
6.	Shri M. S. P. Rajes, Spring Heaven, Yercaud, Salem District, Madras State.	Large growers in the State of Madras.

2. The term of office of these members will expire on the 18th September, 1961.

[No. 1 (3) Plant (B)/58.]

M. S. SADASIVAN), Under Secy.

(Deptt. of Commerce)

New Delhi, the 9th December 1958

**S.O. 2578.**—In exercise of the powers conferred by section 27 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956), the Commission hereby makes, with the previous sanction of the Central Government, the following amendment in the Khadi and Village Industries Commission (Contributory Provident Fund) Regulations, 1958, namely :—

In regulation 3 of the said Regulations, for clause (e) the following clause shall be substituted, namely :—

“(e) ‘Emoluments’ means pay plus the portion of the dearness allowance, if any, treated as dearness pay under the rules of the

Central Government and leave salary (exclusive of all otherwise allowances)".

B. P. UMARJI,  
Chief Executive Officer.

[No. 7(4)/58-KVE].  
K. T. SATARAWALA, Joint Secy.

### (Indian Standards Institution)

*New Delhi, the 1st December 1958*

**S.O. 2579** In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slips, particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

#### THE SCHEDULE

Sl. No.	No. and title of Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slips issued
(1)	(2)	(3)	(4)
1	IS : 442-1954 Specifications for Drums for Paints.	S. R. O. 658 dated 26th March 1955	In line 20 of clause 6.1 on page 5 'shown in Fig 1' has been corrected to read 'illustrated in Fig. 3'.
2	IS : 709-1957 Specification for Medium Strength Aircraft Plywood.	S. O. 86 dated 22nd February 1958	The formula for the percentage of moisture in clause D-2.1 on page 11 has been corrected to $\frac{W_1 - W_0}{W_1} \times 100$ in place of $\frac{W_1 - W_0}{W_1} \times 100$
3	IS : 1150-1957 Abbreviated Symbols for Timber Species.	S.O. 544 dated 19th April 1958	In Table 1, under the col. 'Abbreviated Symbol' (a) against Sl. No. 65 'HCO' has been corrected to read 'HOO' (b) against Sl. No. 82 'KAD' has been corrected to read 'KDH', and (c) against Sl. No. 88 'KUG' has been corrected to read 'KUC'.

Copies of these errata slips are available, free of cost, with the Indian Standards Institution, 'MANAK BHAVAN', 9 Mathura Road, New-Delhi-1, and also at its Branch Offices at (i) 40/40A Cawasji Patel Street, Fort, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1 and (iii) 2/21 First Line Beach, Madras -1.

[No. MDC/11(10).]  
C. N. MODAWAL,  
Deputy Director (Marks.)

## MINISTRY OF HEALTH

*New Delhi, the 2nd December 1958*

**S.O. 2580.**—The following resolution passed by the Pharmacy Council of India at its meeting held on the 7th October 1958, is published, as required by section 15 of the Pharmacy Act, 1948 (8 of 1948), namely:—

“The Pharmacy Council of India approves under section 12(1) of the Pharmacy Act, for a period of two years in the first instance, the Diploma in Pharmacy Course conducted by the Bombay College of Pharmacy, Bombay. The Council also approves of the Diploma in Pharmacy examination under section 12(2) of the Pharmacy Act for the purpose of registration as a pharmacist.”

P. S. RAMACHANDRAN, Secretary,  
Pharmacy Council of India.

[No. F.7-92/58-D.]

**S.O. 2581.**—The following resolution passed by the Pharmacy Council of India at its meeting held on the 7th October 1958, is published, as required by section 15 of the Pharmacy Act, 1948 (8 of 1948), namely:—

“The Pharmacy Council of India approves under section 12(1) of the Pharmacy Act the Diploma in Pharmacy course conducted by the D. A. V. College, Kanpur upto the end of the academic year 1958-59. The Council also approves of the Diploma in Pharmacy examination under section 12(2) of the Pharmacy Act for the purpose of registration as a Pharmacist.

P. S. RAMACHANDRAN, Secretary,  
Pharmacy Council of India.

[No. F.7-93/58-D.]

D. J. BALARAJ, Dy. Secy.

## CORRIGENDUM

*New Delhi, the 5th December 1958*

**S.O. 2582.**—In this Ministry's Notification No. F. 5-41/58-M.I., dated the 13th November, 1958, in Serial No. 3,

for “All-India Medical Licentiates' Association, Assam Branch, Silchar”  
read “Indian Medical Association (Central), College Road, P.O. Silchar, Cachar (Assam)”.

[No. F. 5-41/58-M.I.]

KRISHNA BIHARI, Dy. Secy.

## MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

PORTS

*New Delhi, the 3rd December 1958*

**S.O. 2583.**—In exercise of the powers conferred by clause (h) of sub-section (I) of section 8 read with sub-section (1) of section 13A(1) of the Madras Port Trust Act, 1905 (Madras Act II of 1905), the Central Government hereby appoints Shri A. S. K. Iyengar as one of the trustees representing labour on the Board of Trustees of the Port of Madras.

[No. 13C-PG(15)/58.]

Miss I. INDIRA, Under Secy.

(Department of Transport)

*New Delhi, the 10th December 1958*

**S.O. 2583A.**—In exercise of the powers conferred by sub-section (2) of section 1 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby appoints the 15th day of December 1958, as the date on which Parts I and II of the said Act shall come into force.

[No. 33-MS(221)/58.]

S. K. GHOSH, Dy. Secy.

**(Departments of Communications & Civil Aviation)***New Delhi, the 27th October 1958*

**S.O. 2584.**—In exercise of the powers conferred by rule 53 of the Indian Aircraft Rules, 1920, the Central Government hereby—

- (a) declares the aerodrome at Delhi (Palam) to be a customs aerodrome; and
- (b) appoints the Collector of Central Excise, Delhi as the Chief Customs Officer, and the Assistant Collector of Customs in the Central Excise Collectorate, Delhi, the Superintendent (Appraisalment), the Superintendent (Outdoor), the Superintendent (Airport) and the Superintendent (Preventive) to be the Customs Collector for the purposes of Part IX of the said rules, at the said Customs-aerodrome.

The Notification issued under Ministry of Communications No. 10-A/36-47, dated the 10th December, 1947 is hereby cancelled.

[No. AR/1920(4) F. No. 10-A/86-58.]

D. R. KOHLI, Under Secy.

**MINISTRY OF REHABILITATION****(Office of the Chief Settlement Commissioner)***New Delhi, the 1st December 1958*

**S.O. 2585.**—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) the Central Government hereby appoints for the State of Rajasthan, Shri Hem Chandra, Managing Officer-cum-Assistant Custodian under the Regional Settlement Commissioner, Jaipur, as Deputy Custodian for the purpose of discharging the duties assigned to the Custodian by or under the said Act with effect from 13th October, 1958.

[No. XIV(2) Admn(Prop)/57.]

*New Delhi, the 3rd December 1958*

**S.O. 2586.**—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954), the Central Government hereby appoints Shri R. N. Agarwala, as Settlement Officer for the purpose of performing the functions assigned to such officer by or under the said Act, with effect from the date he took charge of his office in the Office of the Chief Settlement Commissioner.

2. The Central Government also appoints the said Officer as Additional Settlement Commissioner for the purpose of performing the functions assigned to such officer by or under the said Act with effect from the same date.

[No. 11-B(47)-58/CSC/AI.]

M. L. PURI, Settlement Commissioner.

**(Office of the Chief Settlement Commissioner)***New Delhi, the 4th December 1958*

**S.O. 2587.**—In exercise of powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Kartar Singh Chadha, P.C.S., as Settlement Commissioner in the State of Punjab for the purpose of performing the functions assigned to a Settlement Commissioner by or under the said Act. In respect of agricultural lands and shops in any rural area including houses cattle sheds and vacant sites, if any, in any such area allotted alongwith any such lands.

[No. 3(50) Policy-II/58.]

I. N. CHIB,

Dy. Chief Settlement Commissioner & *Ex-Officio*.**(Office of the Chief Settlement Commissioner)***New Delhi, the 5th December 1958*

**S.O. 2588.**—In exercise of the powers conferred by section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby directs that the following amendment shall be made in the

notification of the Government of India in the Ministry of Rehabilitation No. S.III-3(4)/55, dated the 16th March, 1956, namely:—

In the said notification, in the entries below the heading "District Sitapur" the following entries shall be omitted and shall be deemed always to have been omitted, namely:—

"49	136	35	Vill. Hussainganj, Mohal Ten. Sitapur	Shri Nazal Ahmed S/o Ata Ahmed."
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[No. 1/3/14/57-S III-Policy II.]

RAJA LAL GUPTA, Under Secy.

(Office of the Chief Settlement Commissioner)

ORDER

New Delhi, the 4th December 1958

**S.O. 2589.**—In exercise of the powers conferred by Sub-Section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I Shri L. J. Johnson, I.C.S., Chief Settlement Commissioner, hereby delegate to Shri Kartar Singh Chadha, P.C.S., Settlement Commissioner, Punjab, the powers conferred upon me under Sections 23, 24(1) and 28 of the said Act for the purpose of passing necessary orders under these sections in so far as they relate to the custody, management and disposal of property (including agricultural land) in the State of Punjab in a rural area as defined in clause (f) of rule 2 of the Displaced Persons (Compensation & Rehabilitation) Rules, 1955, which forms part of the Compensation Pool.

[No. 3(50)/58-Policy II.]

L. J. JOHNSON, Chief Settlement Commissioner.

## MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 2nd December 1958

**S.O. 2590.**—In pursuance of regulation 25 of Coal Mines Regulations, 1957, the Central Government hereby appoints Shri T. P. M. Evans as an assessor in the place of Dr. J. W. Whitaker and makes the following amendment in the notification of the Government of India, in the Ministry of Labour, S.R.O. No. 51 dated the 27th December, 1956, namely:—

In the said notification—

for the entry "(i) Dr. J. W. Whitaker, Officer on Special Duty, Fuel Research Institute, Jealgora, (Distt. Manbhum)" the following entry shall be substituted, namely—

"(i) Shri T. P. M. Evans, Chief Mining Engineer, Lodna Colliery, P. O. Dhanbad."

[No. M1-3(18)/58.]

S. RANGASWAMI, Under Secy.

New Delhi, the 3rd December 1958

**S.O. 2591.**—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S. O. 1778, dated the 26th August, 1958, namely:—

In the said notification, for the areas specified, the following shall be substituted, namely:—

"1. The area within the city limits of Trivandrum Corporation.

## 2. The areas within the revenue villages of—

- (a) Aramada,
- (b) Chengazhucherry,
- (c) Iranimuttom,
- (d) Kadakampally,
- (e) Muttathara,
- (f) Randamada,
- (g) Palkulangara,
- (h) Vanchiyoor,
- (i) Nemom,

in the Trivandrum taluk, in the Trivandrum district.

## 3. The area within the limits of Neyyattinkara Municipal town, in Neyyattinkara taluk in Trivandrum district."

The amendment made by this notification shall be deemed to have effect as and from the 31st August, 1958.

[No. F. HI-13(7)/58.]

BALWANT SINGH, Under Secy.

*New Delhi, the 4th December 1958*

**S.O. 2592.**—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 1st October, 1956 to the factory known as the Anil Starch Products Limited, Anil Road, Railway Pure Post, Ahmedabad-2, there was in existence a provident fund common to the employees employed in the factory, to which the said Act applies, and the employees in their Sales Office, situated in the factory premises at Ahmedabad;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the Sales office of the said factory situated at Ahmedabad.

[No. P.F.II-9(35)58.]

P. D. GAIHA, Under Secy.

*New Delhi, the 4th December 1958*

**S.O. 2593.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Triton Insurance Company Limited and their workmen.

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.**

**REFERENCE No. 31 of 1958.**

**PARTIES:**

Employers in relation to Triton Insurance Co., Ltd., Bombay.

**AND**

its workmen

*Dated Dhanbad, the 28th November 1958*

**PRESENT:**

Shri Salim M. Merchant, B.A.L.L.B., CHAIRMAN.

**Appearances:**

Shri T. Godiwalla, Advocate,

Vice President, with Shri K.S.B. Pillai, General Secretary.

General Insurance Employees' Union—for the workmen.

Shri L. C. Joshi, Labour Adviser,

Bombay Chamber of Commerce and Industry with Shri V. P. Joshi, Resident Secretary of the Bombay Branch—for the employers.

**Industry:** Insurance

**State:** Bombay.

## AWARD

The Government of India, Ministry of Labour and Employment, by its order No. LR. II(16)/57 dated 19th May 1958, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the subject matters specified in the following schedule to the said order:—

### SCHEDULE

- “1. Salary scales and adjustments.
2. Permanency and probation.
3. Allowances including dearness allowance, cash allowance, acting allowance, overtime allowance and other special allowances.
4. Bonus.
5. Hours of work.
6. Leave.
7. Gratuity.
8. Provident Fund.
9. Medical facilities.
10. Right to existing benefits.

2. After the usual notices were issued on the parties, the General Insurance Employees' Union Bombay (hereinafter called the Union) which represents the workmen of the Bombay Branch of this company, filed its statement of claim on 23rd June, 1958 and the management filed its written statement in reply on 29th July, 1958, after which, at the request of the parties, the dispute was heard by me at Bombay between 25th August to 3rd September, 1958. Certain authorities on which the company relied were thereafter made available to me at Dhanbad only much later, some of them reached me only in the beginning of this month.

3. Before dealing with the history or the merits of the dispute under reference, it is necessary to state that it concerns only the staff of the Bombay branch of the Triton Insurance Company Limited (hereinafter referred to as the company), which has its head office at Calcutta. The total number of workmen concerned in this dispute according to the union is 17, of whom 13 are clerks and the remaining 4 are members of the subordinate staff. The company, however, contests this and has stated that the dispute does not cover 3 members of the staff who, according to it, are not workmen as defined by section 2(s) of the Industrial Disputes Act, 1947, but as I am not dealing with the claim of individual members of the staff it is not necessary to consider this contention urged by the management.

4. The company does general insurance business in Fire, Marine, and Accident Insurance. It is an old company which has been in existence for over 107 years, having been established in 1850 as an Insurance Department of Messrs. Jardine Henderson and Co. It was constituted into a limited company in 1856. At present it has 5 branches and one sub-branch in India and one in Pakistan. In addition it has branches or accepting agencies in Bangkok, Brussels, Cape Town, Colombo, Hong Kong, London, Malbourn, Perth, Nicosia, Brisbane, Rangoon, Sydney and Victoria. The paid up capital of the company is only Rs. 5,75,000/- but it has enormous reserves amounting to nearly Rs. 50,00,000/- and its investments amount to Rs. 77,39,660 as shown in its audited balance sheet and profit and loss accounts as at 31st December, 1957. The audited accounts of the company easily show that this is a flourishing concern. It has been earning handsome profits each year and has during each of the last 10 years declared and paid to its shareholders annual dividends of not less than 30 per cent. In fact, for each of the last three years 1955, 1956 and 1957 the company declared and paid its shareholders “a dividend of 45 per cent. on the paid up share capital of the company without any deduction for income tax paid by the company.”

5. Both parties in their written statement have dealt at length with the history of this dispute. The dispute has its genesis with the charter of demands which was forwarded by the union to the management by its letter dated 21st May, 1956 (Exhibit A to the written statement of the Union). The Charter was adopted at a meeting of the workers of this company held on 18th May, 1956 and contained in all 13 demands, out of which demand Nos. 4, 10 and 13, relating to uniforms, retrospective effect and victimisation respectively, have not been referred by Government to adjudication. I may here state that the Government

order of reference only mentions the heading by way of subject matter of the demands submitted which constitute this industrial dispute. At the hearing before me the 10 demands under reference were argued by both parties on the basis of the detailed demands under each heading as contained in the charter of demands above referred to. But to continue with the narration of the history of the dispute, the management did not reply to the union's letter of 21st May, 1956 and the union addressed a reminder on 4th June 1956 and thereafter the General Secretary had a talk with the manager of the Bombay Branch. It appears that on 19th June, 1956, the management put up a circular relating to certain leave facilities which it offered to the employees with effect from 1st January, 1956. The union protested against that circular by its letter dated 20th June, 1956 and on the same day it addressed a letter to the Regional Labour Commissioner (Central), at Bombay, inviting his intervention. Thereafter, the union addressed a letter dated 10th July but there was no response from the Manager. On 17th November, 1956 the union wrote to the Manager and Underwriter of the company Mr. J. P. Dunlop, who was then in Bombay, protesting against the alleged anti-union attitude of the Resident Secretary. To this also the union received no reply. The President and General Secretary of the Union called on the Branch Secretary Shri Vinod Joshi, but according to the Union they were not received by him. Later, when they asked for an interview the same was refused. It appears that thereafter the Resident Secretary on 7th December, 1956 met certain members of the staff and later he also requested Shri L. C. Joshi, Labour Adviser of the Bombay Chamber of Commerce and Industry to have a talk with the staff but nothing material emerged from those talks. It may be noticed that Shri L. C. Joshi has represented the management in these proceedings in his capacity of the Labour Adviser of the Bombay Chamber of Commerce and Industry, of which this company is a member. During the conciliation proceedings which followed, the company made certain offers on the demands made by the workmen but the same were rejected and on 29th November, 1957 the Conciliator reported failure. (Exhibit U-1). Thereafter, Government referred this dispute to adjudication on 19th May 1958. However, during the period after the conciliation proceedings had ended and the date of this reference by Government, the company retrenched some 9 employees of the Bombay Office on the ground that they had become surplus to its requirements because of the closure of some of its branches in Bombay State.

6. Before dealing with the demand on their merits, it is necessary first to deal with the main ground urged in general opposition by Shri Joshi viz., that the Bombay branch has not the financial capacity to meet the demands. In support Shri Joshi has submitted that the Bombay office of the company had not during the last 4 years i.e., 1953 to 1957, except for the year 1954, earned any profits. It is further contended that the ratio of expense of the Bombay office is higher than that permitted under the Insurance Act and its Rules. For that purpose the company has relied upon a number of statements filed by it particularly on statements Exhibits T(A) to T(j), which it desires to be treated as confidential information. Shri Joshi contends that though the company as a whole is admittedly a very prosperous concern and has annually been earning large profits and has annually been paying substantial dividends to its shareholders, the demands of the workmen of the Bombay Branch should be decided not on the admitted prosperous condition of the company taken as a whole, but strictly only on the basis of the financial capacity of the Bombay branch.

7. The union on the other hand has urged that the basis for the determination of the demands under reference should be the overall financial position of the company taken as a whole and it is urged that as this company is undoubtedly in a sound financial position and the demands are otherwise justified they should be conceded. The union has further stated that the present difficult position of the Bombay Branch was largely due to mis-management, in the past and because the working of several other sub-branches in the Bombay region had proved uneconomic and had to be closed down; that with the closure of the 10 branches of the Bombay region between 30th September, 1955 and 31st March, 1958 (See Exhibit C-17) and with the re-organisation of the Bombay office which has taken place recently, the future of the business in the Bombay branch was not as bleak or unsatisfactory as sought to be made out by the management.

8. I am of the opinion, that the demands under reference cannot be decided merely on the financial capacity of the Bombay branch. For one thing the Bombay branch is part of the All India business of the company which has its head office at Calcutta and in fixing the emoluments and conditions of service of the employees in Bombay, the general financial prosperity and standing of the company cannot be ignored. It is not as if the Bombay branch is an independent unit, with its own separate capital, un-connected with the business of

the Head office. It is not denied that in all business administration and in matters relating to the service conditions of the Bombay staff, the control is that of the Head office. The Bombay office is thus an integral part of this company taken as a whole and is not a separate water-tight compartment, having a separate isolated existence of its own. In fact the accounts of the Bombay branch show that it has, at least in the past, been contributing certain amounts towards the expenses of the Head office. The Bombay office itself has been in existence since 1941—for about 17 years now. It appears to me that the present difficulties of the Bombay branch are perhaps largely due to the uneconomic working of the various sub-branches under-control of the Bombay office, which have since been closed. Since the closure of the said branches and the retrenchment of 9 workmen of the Bombay office and the subsequent re-organisation of the Bombay office, the percentage of expenditure to the revenue had admittedly shown a considerable improvement and I am confident that under the energetic enterprise of the present Resident Secretary, Shri Vinod Joshi, the Bombay branch will show better results in the near future.

9. I am of the opinion that in this case the proper approach to adopt towards the demands under reference is to grant the remuneration by way of wages and dearness allowance and other terms and conditions of service as are being generally paid and granted by other insurance companies doing general insurance business in Bombay City. This is the industry *cum* region basis of approach which has been recommended by the report of the Fair wages Committee and followed generally by awards of industrial tribunals and decisions of the Labour Appellate Tribunal. In doing so, I shall also bear in mind the fact that the Bombay branch is not in a prosperous state and has not earned profits in the past few years.

10. Shri Joshi for the company has argued generally that as this company is paying wages and dearness allowance which fulfil the minimum wage requirements, and as the Bombay office of the company has not the financial capacity to bear any additional financial burden, no improvement in the existing wage and dearness allowance rates and terms and conditions of service would be justified. He has for that purpose relied upon the judgment of the Hon'ble Supreme Court in the case of Bejay Cotton Mills Ltd. and the State of Ajmer (1955-I.L.L.J. p. 129). In my opinion that judgment is not relevant as what it lays down is that the Minimum Wages Act, 1948, is not repugnant to Article 19(1)(g) of the Constitution. Shri Joshi next sought to rely upon the judgment of Madras High Court in the case of India Tyre and Rubber Company (India) (Private) Limited and their workmen (1957-II-L.L.J.-p. 506). But this judgment also cannot help him because what it lays down is that even in a prosperous concern retrenchment may be allowed to ensure a return of more than 6 per cent and that retrenchment does not become *prima facie mala fide* if it was ordered when the employer is already getting a return of more than 6 per cent on the paid up capital and more than 4 per cent on its working capital. The further decision in that judgment that for the purposes of Sec. 259 of the Industrial Disputes Act, 1947, every branch must be treated separately cannot obviously support Shri Joshi's contention as Sec. 259 deals only with the procedure for retrenchment. Shri Joshi has next relied upon the decisions of the Labour Appellate Tribunal in the case of Imperial Tobacco Company of India Limited and their employees (1952-II.L.L.J. p. 829) and Angus Engineering Works, Angus, Hooghly, and Hanif Mohammad and 97 others, opposite parties, (1955-L.A.C. p. 402), but I am of the opinion that neither of these decisions can help him, as in the first case it was held that the well settled principle that it is the employers' right to adjust its labour force to the exigencies of its business cannot be doubted and in the second case it was held that a desire on the part of the employer to make profits is natural and lawful and such a desire in a company does not vitiate retrenchment. Shri Joshi next referred to the decision of the Labour Appellate Tribunal in the case of Mackinnon Mackenzie & Company's Indian Staff Organisation and Mackinnon Mackenzie & Co. Ltd., and others (1955-I.L.L.J. p. 154). But this case also cannot help him. In this case the question was whether a demand for profit sharing bonus on the basis of the prosperity of one individual branch was justified. In that case it was found that the two branches had engaged in distinct and unconnected trade activities and it was therefore held that the claim of the employees of one branch for bonus on the basis of the pooled profits of the company at both the branches must be held to be unjustified. It is clear that this case cannot have any bearing on the facts of the present case, as the Bombay branch is doing the same business namely that of general insurance as does the head office and it is not established that the business of the Bombay branch is unconnected with the business of the Head Office. Shri Joshi has relied upon another award

in a dispute of Mackinnon Mackenzie & Co., reported in the Bombay Government Gazette dated 12th June, 1952 at page 2297. That case also related to demand for payment of bonus and the main point in that case was that the Bombay and Calcutta offices of the company were maintaining distinct and separate profit and loss accounts. This is not the case in this company as in this company a common profit and loss account for all the business of the company, including the business of its office at Bombay is being maintained. It is important to note that the expenses of the Bombay branch is treated as part of the general expenses of the company for the purposes of the provisions under the Insurance Act and its Rules for statutory expense ratio.

11. I, therefore, proceed to examine the demands on their merits and my approach to the demands will be to see how far they are justified on the basis of what like insurance companies doing general insurance business are granting to their employees in Bombay city. In doing so, I shall also not ignore the undoubted fact that the Bombay branch has in recent years not earned any profits.

#### DEMAND No. 1

##### *Salary Scales and Adjustments*

12. In the charter of demands the full claim under this head has been stated as follows:—

“(a) Lower grade staff (peons) Rs. 50-3-65-4-85-5-110 in 15 years.

(b) Clerks Rs. 100-10-150-15-225-20-325-25-400.

(c) Head Clerks Rs. 250-25-450.

NOTE:—(1) The present Departmental heads shall be considered as Head Clerks.

(2) Promotions to the Head Clerks Grade shall be from amongst the existing staff strictly according to the seniority.

(d) Stenographers: Rs. 150-15-300-20-400.

There shall be no efficiency bars at any stage in the scales demanded above.

Retrospective effect to the salary scales demanded above shall be given from 1st January, 1958.

*Adjustments.*—When salaries of old employees are to be fitted into new scales, the employees should be given a rise according to the number of years of service, i.e. the existing salary should be adjusted on point to point basis. If after the adjustment demanded above any employee is found to be drawing higher salary the same shall not be reduced.”

13. Before dealing with this demand on merits, it is necessary to state that at present there are no definite scales of pay in force in the Bombay branch for either the clerical or the subordinate staff. It appears that during the conciliation proceedings the company stated that it had the following three grades:—

1. Junior clerk:—Rs. 35 to Rs. 180 grade.

2. Senior clerk:—Rs. 70 to Rs. 280 grade.

3. Special grade:—At company's discretion.

It was further stated that the increments throughout are at the company's discretion and that with regard to the special grade, one Chartered Accountant had been appointed on a salary of Rs. 350 per month. It is, however, admitted that it is the company's practice to grant increments to all its employees, though not necessarily every year. The company has filed a statement (Exhibit C-16) showing the starting basic salary of each of its present clerical and subordinate staff and the number and amount of increments which have since been granted to each employee. It may be noticed that of the ten members of the clerical staff shown in Exhibit C-16 as having been employed between 1941 to 1950 six were started on a basic salary of Rs. 75 per mensem; one was started on Rs. 50 per mensem; one on Rs. 85; one on Rs. 120 and one on Rs. 20 per month. Of the 6 members of the subordinate staff shown in the statement as having been employed between 1940 to 1956, two were started on Rs. 15 per month and the remaining four on Rs. 30, 35, 40 and 45 respectively. That statement further shows that the company has granted increments to these employees in most years. The increments are not uniform as according to the company the increments granted were in the discretion of

the management, depending upon the efficiency of the workmen. However, in April 1958 the Resident Secretary by an Office Order dated 19th April, 1958, informed the staff that the Managing Director had sanctioned increments to be effective from 1st April, 1958. [See Exhibit C-12(A)]. Without going into details, it may be stated that of the 10 members of the clerical staff shown in that statement 2 got increment of Rs. 20 per month, 5 got increments of Rs. 8 per month and three got increment of Rs. 6 per month and each member of the Subordinate Staff got a uniform increment of Rs. 3 per month. It may also be stated here that in April, 1958, there was a revision in the rate of dearness allowance payable to the staff. Prior to April, 1958, dearness allowance paid was at the rate of 30 per cent of basic salary with a minimum of Rs. 40 and a maximum of Rs. 75 for clerks and Rs. 35 per month for peons. By its circular dated 23rd April, 1958, this rate of dearness allowance was raised to:

Rs. 1 to 100 basic salary—60 per cent of basic salary with a minimum of Rs. 50.

Over Rs. 100—10 per cent. Maximum dearness allowance Rs. 110:

14. Reverting now to the scales of pay, it may be stated that during the negotiations with the Conciliation Officer, the company had offered to raise the scale of pay of junior clerks from Rs. 35 to Rs. 180 to Rs. 70 to Rs. 180 and of senior clerks from Rs. 70 to Rs. 280 to Rs. 110-8-280, with special grade at the Company's discretion. For the subordinate staff the company offered the pay scale of Rs. 35-3-75. With regard to the adjustment the company offered that there would be an adjustment as at 1st April, 1957, in lieu of annual increments to the point in the appropriate scale immediately above the existing salary which permits of minimum increase in the basic to any one employee of Rs. 5. There would be no adjustment with regard to the past services. (See copy of Conciliator's Failure Report dated 29th November, 1957—Union's Exhibit U-I—at serial No. 31).

15. The reactions of the union to these proposals of the company are contained in its letter dated 11th November, 1957 addressed to the Conciliation Officer and I shall indicate the same when dealing with each part of the demand.

16. I shall first deal with the demand for scales of pay for the subordinate staff. The union has demanded for the subordinate staff the salary scale of Rs. 50—3—65—4—85—5—110 in 15 years. In support of this claim the union largely relies upon the scales of pay which have been agreed to by a large number of insurance companies having their offices in Bombay under agreements entered into with this union. A statement of those agreements has been filed by the union. (Exhibit U-A), and it shows that varying scales of pay were agreed to. The best of the wage scales starts with Rs. 54 and rises to a maximum of Rs. 120/- and the lowest starts with Rs. 30/- and rises to a maximum of Rs. 75/-. The rate of dearness allowance varies in each company. (Exhibit U-D). In my opinion, the scale of pay of Rs. 50/- to Rs. 110/- demanded by the union is excessive. The Union in its letter to the Conciliation Officer dated 11th November, 1957, had stated that it would be prepared to accept the company's offered scale of Rs. 35—3—75 provided the maximum was raised slightly. In my opinion, taking all circumstances into account the company's offer is quite reasonable and satisfactory, as several other insurance companies are also paying their subordinate staff the scale of pay offered by the company. In fact in some companies the annual increment starts with Rs. 2 and only towards the end of the scale rises to Rs. 3 per month whilst the company has offered a uniform annual increment of Rs. 3 per month. I would, therefore, award the subordinate staff the basic pay scale of Rs. 35—3—75.

17. For clerks both junior and senior clerks, the union has claimed one running scale of Rs. 100—10—150—15—225—20—325—25—400, without any efficiency bars. The company at present has two scales of pay one for the junior clerks of Rs. 35 to Rs. 180 and the other for Senior Clerk—Rs. 70 to Rs. 280, which it has offered to increase in the case of junior clerks to Rs. 70 to Rs. 180 and for senior clerks to Rs. 110—8—280. The company has argued, as I have stated earlier, that considering the unsatisfactory financial condition of the Bombay branch, no incremental scales of pay should be fixed. In support of this contention, Shri Joshi has relied upon the awards in the case of (1) The Union Drug Co., Ltd. Calcutta (1954-I.L.L. J.p. 766), (2) Messrs. Muller Phipps (India). Ltd. Calcutta Establishment (1954. L.A.C. p. 18) and (3) Britannia Building and Iron Co., Ltd. Howrah (1954. L.A.C. p. 10). But I am afraid these cases cannot help him as in the first two cases the companies as a whole were making losses. The principle laid down in the third case, which was also applied in the other two cases, is that incremental scales should not be awarded unless the company

has the present financial ability as also the financial stability to meet the future financial burden which incremental scales of pay impose. Here it is admitted that the company as a whole is financially very sound and has both the present financial ability and stability to bear the financial burden of an incremental scale of pay. The company's financial position is so sound and prosperous that the financial burden of incremental scales of pay for its Bombay office employees who number only about 17 in all, would hardly be felt. In fact the company has been granting increments to its Bombay employees in most years and has scales of pay with a minimum and a maximum for junior and senior Clerks. In view of this, its opposition to a fixed scale of increments appears to me to be unjustified. In my opinion, it would be un-realistic to have pay ranges without fixed annual increments. To have increments to the discretion of the management would lead to uncertainty and give rise to disputes that the discretion was not impartially exercised.

18. Shri Joshi has further opposed the demanded pay scales on the following grounds:—

- (a) that the Bombay staff consists mostly of non-matriculates and therefore a lower scale of pay should be prescribed for them than the pay scales generally prescribed for clerks.
- (b) that the nature of the work which the Bombay branch employees do is simpler, and less responsible than the work of general clerks in Head Offices of Insurance companies.
- (c) that for clerks working in branch offices, lower scales of pay are prescribed than for clerks working in Head offices.

In support of these contentions Shri Joshi has referred to several awards particularly to the following:—

- (1) Bombay Mill Owners Association Vs. the Rashtriya Mill Mazdoor Sangh— relating to pay scale for non-matriculate clerks working in Textile Mills in Bombay (1956-I. I.C.R. p. 225).
- (2) Bennett Coleman & Co., Ltd., Bombay Vs. its workmen employed under them (Bombay Government Gazette Part II, dated 2nd July, 1953. pp. 1442 and 1443).
- (3) Firestone Tyre & Rubber Co. of India Private Limited, Bombay, and its employees employed under it in the Head Office, Factory and Bombay District office. (Bombay Government Gazette Part II dated 13-3-1958 p. 1263).

19. In my opinion the facts of this case can be distinguished from the facts of the cases cited by Shri Joshi. For one thing those were industrial concerns, where admittedly work done in the office attached to the factory is less responsible and comparatively simpler than the more responsible work done in the Head Offices of these concerns, which are administrative offices, and where greater efficiency is expected. It must be remembered that though the Bombay branch, is a branch in the sense that the Head Office of the company is at Calcutta, it is the Bombay office that controls the work of the various sub branches and agencies in the Bombay region. It is true that the majority of the clerks at present in the employ of this company are non-matriculates but most of them have been in the service of the company for quite a number of years now and it must be presumed that they have made up for not having passed the matriculation examination by the experience they have gained. Surely, if their work was not satisfactory they would not have been continued in service for so many years and granted increments in salary. It is also important to note that the company itself when it appointed these clerks started the majority of them on a basic salary of Rs. 75 per month, which is normally the start of the pay scale awarded for matriculate clerks. I am, therefore, not satisfied that the company would be justified in opposing the grant of scales of pay to its Bombay employees on the lines of what is generally being granted to clerks employed in General Insurance Companies in Bombay city.

20. There are some insurance companies in Bombay in which 2 scales of pay are prescribed for clerks, one for junior clerks and the other for senior clerks. But in the majority of the companies shown in the Union's statement (Exhibit U-B), there is one running scale of pay for both the junior and senior clerks. Among the scales of pay stated in Exhibit U-B the lowest is the one which starts with Rs. 75 and reaches the maximum of Rs. 307. The statement also shows that the start for the clerical staff in the majority of companies is Rs. 75 to Rs. 80 with

Rs. 100 as the highest starting pay. With regard to the maximum the lowest is Rs. 300 and the highest is Rs. 375. The company has in its turn filed statements of pay fixed in several companies by awards of central tribunals [Exhibit C-15(1)-(5)], but most of them are old awards, some of them dating back to 1949, and most of them relating to insurance offices in Calcutta and elsewhere. The three that relate to insurance companies in Bombay are (1) Bombay Life Assurance Co. Ltd. Bombay (2) Warden Insurance Co. Ltd. Bombay and (3) The Asian Insurance Co. Ltd., Bombay. The pay scales fixed for clerks under these awards start with either Rs. 70 or Rs. 75 and the maximum for junior clerks is Rs. 215 and for Senior Clerks it is Rs. 330. Of course, the rates of dearness allowance fixed by those awards are comparatively low, but these awards were made several years ago and there has been a substantial rise in the cost of living index number for Bombay city since then, justifying a higher rate of dearness allowance being prescribed.

21. After an anxious consideration of the scales of pay as shown in the statements filed by both the union and the company, I hold that the scales of pay demanded by the union is excessive and cannot possibly be granted. At the same time I also feel that the scales of pay offered by the company are also low, as compared even with the lower scales of pay paid to clerical staff by insurance companies in Bombay. The company has relied upon the scales of pay paid by certain commercial concerns (Exhibit C-20). Apart from the fact that good care has been taken by the company to select these companies where the lowest scales of pay are in force, I think the proper basis for fixing the scales of pay in this company should be on the basis of the prevailing scales of pay in insurance companies in Bombay city. After an anxious consideration of the scales of pay being paid to clerical staff by insurance companies in Bombay and bearing in mind the present difficulties of the Bombay branch, I prescribe the following two scales of pay for the clerical staff in the company:—Junior clerks: Rs. 75—5—105—8—185—EB—10—215 Senior Clerks: Rs. 125—8—165—10—255—EB—12—291—9—300 I have fixed one Efficiency Bar in each scale as I am not satisfied that the Union's demand that there should be no Efficiency Bars at all is justified and as this union itself has agreed to Efficiency Bars in its agreement with several companies.

**Head clerks:**—The union has demanded a grade for head clerks of Rs. 250—25—450 and under the two notes appearing below this demand it is claimed that (1) the present departmental heads should be considered as head clerks and (2) promotion to the Head Clerk grade shall be amongst the existing staff strictly according to seniority. As there are five departments in the Bombay branch, namely, Fire, Marine, Accident, Accounts and Cash and as one person is in charge of each department, the union claims that he should be treated as Head Clerk. But as pointed by Mr. Joshi, in a small office having a total staff of about 13 members on the clerical side, it is impracticable to have a head clerk for each of the 5 departments. Industrial Tribunals have generally refused the demand for appointment of sectional or departmental heads in small concerns. Shri Joshi has rightly relied upon the decision in the Simplex Mills case (1956—I.C.R. page 193 at page 194) where in a section which had only 2 clerks, the demand for a sectional head was rejected. I am not satisfied that there is any warrant in this comparatively small office for the demand that the present departmental heads should be considered as head clerks. The demand under note 1. is therefore rejected.

The demand for a separate grade with higher scales of pay for head clerks, would only apply from among the existing staff in case of Shri Gupta who, as admitted in the company's written statement is working as Accountant-cum-Head Clerk. After considering the scale of pay generally paid to Head Clerk, I would prescribe for the Head Clerk the scale of Rs. 150—10—220—15—250—20—330—EB—25—405.

The demand under Note 2 that the promotion to the Head Clerk's grade shall be from amongst the existing staff strictly according to seniority is rejected, as it is now well settled that along with seniority merit should also be considered. In this company seniority alone cannot be the criterion for promotion to the Head clerk's post, as he also acts as Accountant.

**Stenographers:**—For stenographers the union has demanded the scale of Rs. 150—15—300—20—400. At present there is only one stenographer who is attached to the Resident Secretary. Evidently there is no scale of pay as such fixed for her and she is at present being paid a basic salary of Rs. 150 after 9 years of service, having been started in 1949 on a basic salary of Rs. 85 per month. As I have stated earlier, it is necessary to prescribe pay scale for all categories of employees in this company. Statement Exhibit U-B of the Union shows that stenographers scale starts between Rs. 85 to Rs. 130 per month but in the majority

of the companies the start is round about Rs. 100 per month and rises to a maximum of Rs. 325. I would, therefore, prescribe for the stenographers the grade of Rs. 100—8—140—10—200—12½—250—EB—15—325.

22. Two other subjects require to be dealt with under demand No. 1 and they relate to (a) retrospective effect to the wage and salary scales prescribed and (b) adjustment. Under demand No. 10 to the charter of demands which was entitled "retrospective effect" it was claimed that retrospective effect to demands Nos. 1, 4, 5, 6 and 7 of the charter should be given from 1-1-1956. But as I have noticed earlier, this demand has not been referred to adjudication by Government. Shri L. C. Joshi has relied upon this fact in urging that this Tribunal has no jurisdiction to grant any retrospective effect to the Award on Demand No. 1. He has on the ground of the Bombay branch's financial incapacity to meet the financial burden of retrospective effect also opposed the grant of any retrospective effect to the pay scales prescribed by this award. I am inclined to accept Shri Joshi's first contention. Where there is a specific separate demand for the grant of the benefit of the award on certain demands retrospectively and that demand is not referred by Government to adjudication, the Tribunal would have no jurisdiction to grant retrospective effect to its award on those demands from any date earlier than the date of the Government Order of Reference. The Tribunal would, however, have powers to direct that the wage scales prescribed by its award should have effect from any date after the date of the Government Order of Reference, but earlier to the date of its award. The Government Order of Reference herein is dated 19-5-1958 and taking all the facts and circumstances into account, I think it would be fair and reasonable to direct that the pay-scales prescribed by me above for the subordinate staff, the clerical staff and the stenographer should take effect from 1-6-1958 and I award and direct accordingly.

23. The last question to consider under demand No. 1 relates to the method of adjustment which should be prescribed for adjusting the present salaries of the workmen covered by this Reference into the awarded scales of pay applicable to them.

24. The union has claimed point to point adjustment, which demand I might straight away say is impossible to consider seriously in this case because it does not take into account the fact that (1) the company has granted increments in the past and (2) the present salaries of the employees are not so inadequate or unsatisfactory as to require to be immediately raised up substantially. I am inclined to accept the company's suggestion that if any method of adjustment is prescribed it should be the one prescribed by the award in the dispute between the Ingersoll Rand (India) Private Limited Bombay and its workmen (Bombay Gazette Part II dated 15-5-1958 at page 2428), where every employee whose basic pay was lower than the minimum of the scale of pay awarded and applicable to him was directed to be stepped up to such minimum and with regard to the rest where their existing basic pay was higher than the minimum prescribed but was not a step in the prescribed scale of pay, they were directed to be stepped up to the next immediate higher stage in the scale of pay awarded and applicable to them and I give like directions here; the pay for the purposes of the adjustment to be the basic pay drawn by the workmen as on 1-6-1958 and the adjustment to have effect from that date. I further direct that all the amounts due to the workmen under the award under Demand No. 1 shall be paid to them within one month of the date this award becomes enforceable.

#### DEMAND NO. 2

##### *Permanency and Probation*

24. The demand No. 2 as stated in the Charter of demands of 21-5-1958 is as follows:—

"The existing employees who have completed a service of three months shall be deemed to be permanent. No employee shall be kept on probation for more than 3 months. No employee shall be kept on temporary list for more than 6 months."

It may be stated that at the hearing the parties were agreed that the subject matter of this demand which has been stated as "permanency and Promotion" really is "Permanency and Probation" and the demand was argued by both parties before me on that basis.

25. As admitted by the company, there are no definite rules regarding permanency. The company has, however, urged that each case is decided on its merits and it has opposed any period of service being fixed which would entitle the employee to become permanent. The company has in this connection relied upon the following awards:—

1. Award of Shri S. H. Naik, Industrial Tribunal, Bombay, in this dispute between B. R. Herman & Mohatta (India) Limited Bombay and its workmen employed in the Worli and Colaba Workshops (Bombay Government Gazette Part I-L dated 17-3-1955 page 794).
2. Award of Shri I. G. Thakore, Industrial Tribunal, Bombay, in the case of the Indian Hume Pipe Co. Ltd. Bombay and its workmen (monthly rated) employed under it. (Bombay Government Gazette Part I-L dated 6-9-1951 at pages 4615 and 4616).
3. Award in the dispute between Gannon Dunkerley & Co. Ltd. Bombay and the workmen employed under it. (Bombay Government Gazette Part I-L dated 8th February 1951 at page 661).
4. Award of Shri J. A. Baxi, Industrial Tribunal, Bombay, in the case of the A.C. Talkies, Poona, and its workmen (Bombay Government Gazette Part I-L dated 14-8-1958, page 3947);

In each of which a probationary period of six months prior to confirmation was provided. The company has pointed out that all existing employees of the Bombay branch who, are concerned in this dispute, have already been made permanent. At the hearing reference was made to the cases of two of the present employees of the Bombay branch namely Shri Sodha and Shri Clerk. As regards Shri Sodha he has been made permanent since 1-11-1957. As regards Shri Clerk he is a retired employee of the Atlas Insurance Company where he had put in 46 years service when he retired in 1957. He is at present 67 years old and the company took him on in service because it wanted its accounts department to be reorganised. There can therefore be no question of making him permanent. Thus, as all the present employees of the Bombay branch are already permanent in service, the demand has relevance only as a condition of service for future employees.

26. The union claims that every employee should be made permanent after he has been kept on probation only for 3 months. At the hearing Shri Joshi relying upon the Awards referred to above suggested that the probationary period should be six months with liberty to the management to extend the same for a further period of six months in certain cases when the management would like to give a further trial to the workmen. This offer was acceptable to Shri Godiwalla and I therefore make an award in terms thereof.

#### DEMAND No. 3

*Allowances including dearness allowance, cash allowance, acting allowance, overtime allowance and other special allowances.*

27. Dearness allowance.—The dearness allowance claimed in the charter of demand was as follows:—

“Dearness allowance for all the staff shall be paid on the following basis:—

Salary on first Rs. 50 of basic salary.	Dearness Allowance.
	Rs. 60
For the next Rs. 51—100	... 40%
101—200	... 20%
201—300	... 15%
301—450 and above	... 10%

Minimum Dearness allowance payable shall be Rs. 60.

28. The history of the dearness allowance paid to the employees of this company is that prior to April 1952 dearness allowance was paid at the rate of 25% of basic pay with a minimum of Rs. 35/- for clerks and Rs. 30/- for Peons, with a maximum of Rs. 50/-. In April 1952 this rate was raised to 30% of the basic pay with a minimum of Rs. 40/- for clerks and Rs. 35/- flat for peons. In April 1958 as noticed earlier, the company increased the rate of dearness allowance and introduced the following scheme of dearness allowance:—

Basic salary	Dearness allowance
For Rs. 1 to Rs. 100/-	60 % of the basic salary with a minimum of Rs. 50/-
For over Rs. 100/-	10%
	Maximum dearness allowance Rs. 116/-

29. The union in support of the scale of dearness allowance claimed by it has argued that the company's existing rate of dearness allowance is lower than what is paid generally to the employees of insurance companies in Bombay city as shown in its statement Exhibit U-D. It has also referred to the rise in the cost of living index number for the working classes in Bombay and the fact that at the prevailing cost of living index number the textile worker in Bombay at present gets a monthly dearness allowance of over Rs. 80/-. The union has argued that in the past the dearness allowance paid by the company was consistently low and that even after the increase in dearness allowance granted since 1-4-1958, the total emoluments made up of basic pay and dearness allowance of the workmen was not adequate. The union has, therefore, urged that the demanded rate of dearness allowance should be granted in full.

30. The company has on the other hand whilst admitting that its rate of dearness allowance prior to 1-4-1958 was "slightly low"—has stated "taking into consideration the general trend of dearness allowance in other establishments and paying capacity of the Bombay branch, the company decided to revise its dearness allowance. According to it the new rates of dearness allowance has increased the establishment charges of the Bombay branch in respect of its 16 employees by Rs. 3,447/- per year." The company has stated that it is aware that other insurance companies were at present paying a higher rate of dearness allowance but it has pleaded that those are larger concerns which could well afford to bear the financial burden of those rates of dearness allowance. It has further pleaded that considering the profit earned by the Bombay branch, there was no warrant for increasing the existing rate of dearness allowance, which should be allowed to exist un-disturbed for some time to come.

31. I have carefully considered the rates of dearness allowance paid by other insurance companies as shown in the statements filed both by the management and the union and there is no doubt that compared to those, as admitted by the company itself, its present rate of dearness allowance is low. The fact that the cost of living index number for Bombay city has been steadily going up in recent years has also to be taken into account. In fixing the basic pay and the rate of dearness allowance the total emoluments of the workmen have to be taken into account. As the company's scheme of dearness allowance is on a percentage basis of the basic pay, the increase in the basic pay which I have granted by this Award, will no doubt, automatically give a rise in the amount of dearness allowance which the workmen will receive and the company has urged that no further improvement in the rate of dearness allowance should be granted. Whilst I am of the opinion that it would not be practicable to increase the dearness allowance to the rates demanded by the union, nor bring them upto the level of the dearness allowance paid by the more prosperous insurance companies in Bombay, all the same an improvement in the existing rate of dearness allowance for the clerical staff of the Bombay branch is called for. I am, however, satisfied that the existing rate of dearness allowance for the subordinate staff is adequate.

32. After carefully considering the scales of Dearness allowance prevalent at present in insurance companies in Bombay I think that if the minimum is raised to Rs. 55/- and percentage of dearness allowance on basic salary over Rs. 100/- were to be raised from 10% to 15%, it would serve the ends of justice in this case. In the result, I award that the dearness allowance for the subordinate staff shall be same as is in force since 1-4-1958.

33. With regard to the clerical staff, I award the following scheme of dearness allowance with effect from 1-6-1958:—

Basic salary.	Dearness allowance.
For Re. 1/- to Rs. 100 .. .. .	60% of the basic pay with a minimum of Rs. 55/-
For over Rs. 100/- .. .. .	15% Maximum Dearness allowance of Rs. 116/-.

I further direct that the amount due under this award shall be paid to the clerical staff and the stenographer within one month from the date the award becomes enforceable.

34. *Cash Allowance.*—The demand for cash allowance as stated in the charter of demand dated 21-5-1937 was as follows:—

“Those clerks who are handling cash shall be paid an allowance of Rs. 20/- per month. The reliever of such persons shall be paid Rs. 15/- per month. Delivery peon shall be paid Rs. 10/- per month and Typist shall be paid a machine allowance of Rs. 10/- per month.”

The union in support of this claim has argued that it is customary to the insurance industry to grant a cash allowance to those employees who handle cash and that this allowance is paid to compensate them for the additional responsibility which such duties involve. It claims this allowance for Relievers as well as delivery peons.

35. The company in its written statement stated that it was aware that in large insurance establishments employees required to handle cash are given a cash allowance. But it urges that in Bombay branch office no large cash is handled, as most of the transaction are by cheques and that petty cash not exceeding Rs. 500/- is handled by the Accountant-cum-Head Clerk. It urges that the handling of this cash is quite incidental to the duties of the accountant and that his salary was fixed taking into consideration this work. The company has, therefore, opposed the grant of any cash allowance to anyone in this office or to the appointment of a cashier as such.

36. I have carefully considered the union's statement Exhibit U-E which is a comparative statement of allowances (other than dearness allowance) obtaining in the insurance companies in Bombay and I find that the practice of granting cash allowances to clerks who handle cash is not uniform, as out of the 14 companies shown in that list only 3 companies are paying cash allowances to clerks (Assistants). In the absence of any other material, it cannot be said that the practice of granting cash allowance to the clerical staff handling cash has been established by the Union. I am also not satisfied that in this office a case has been made out for granting any cash allowance to the accountant who handles cash. The demand for cash allowance for clerks handling cash or for the Reliever is rejected.

37. With regard to the cash allowance for the Bank Peon, the practice of granting it is generally prevalent as can be seen from the Union statement Exhibit U-E, from which it is also noticed that the lowest allowance granted is Rs. 5/- per month. This allowance is justified on the ground that the Peon who does this work, not only does a more responsible type of duty, but also runs a certain amount of risk, for which he must be compensated by being given an extra allowance over his pay. I, therefore, award Rs. 5/- as cash allowance to the Peon whose duty it is to get cash from the Bank. The allowance will take effect from 1-6-1958. I am, however, not satisfied that any case has been made out for any cash allowance being paid to the Delivery Peon and the demand for him is rejected.

38. *Typist Allowance.*—The union claims Rs. 10/- per month as a special allowance for the two typists and the stenographer employed in the Bombay branch. In support it has urged that typists in the Life Insurance Corporation are granted a machine allowance of Rs. 10/- per month. The Company in opposing this demand has pointed out that as shown in the Union's statement Exhibit U-E only 3 insurance companies are at present granting a special allowance to typists, and one of them, the Oriental Life Assurance Co. Ltd. was not granting this allowance as the result of any award of an Industrial Tribunal, but in continuation of an old practice that had existed in that company. Shri Joshi has rightly pointed out that the tendency of Tribunals now is to reject any special allowance for typists. He has in that connection referred to a similar demand having been rejected in the Bank's award as also in the award in the dispute between Ingersoll Rand (India) Private Ltd. I am inclined to agree with the contention urged by the company and I am not satisfied that a case has been made out for granting a special allowance to the typists and stenographer. The claim is therefore rejected.

39. *Acting Allowance.*—In the charter of demand the claim for acting allowance was stated as follows:—

“(1) When an employee in Head Clerk's grade is on leave for 6 days or more the senior most employee in the clerical grade shall be called upon to act in the absence of Head Clerk, (2) and an employee who

acts in the higher grade shall be paid acting allowance of 20% of the initial salary of grade in which he acts or 20% of his basic salary, whichever is more."

At the hearing Shri Godiwalla, the learned Advocate for the Union, in support of this claim relied upon the union's comparative statement Exhibit U—E, which shows that out of the 14 companies mentioned therein, 6 are paying officiating allowance of one kind or the other. In some cases officiating allowance is a percentage of the difference of the salary of the two posts or a fixed sum of either Rs. 15/- or Rs. 20/- to be paid if the officiating period exceeds 21 days. Shri Joshi has opposed this demand but has stated that if any provision for acting allowance is to be made it should be on the lines of those awarded in the General Motors case (1952—L.A.C.p.56) where an employee officiating in the higher post was allowed officiating pay by being placed one stage higher in the higher pay scale for the post in which he officiates.

40. In this award I have prescribed a separate scale of pay for the Head Clerk. As there is one Head Clerk in the company it is but fair if any employee is asked to officiate in that post, when that incumbent goes on leave, some provision for officiating allowance should be made. Similarly when an employee in the Senior Clerk's post goes on leave some provision for an officiating allowance for the Junior Clerk who acts in his place must be made. Whilst I have rejected the demand for the Senior most employee in the clerical grade as of right of seniority claiming to officiate in the vacant post, I feel that some provision for officiating allowance is necessary. The union has claimed that the employee who acts in the higher grade shall be paid acting allowance of 20% of the initial salary of the grade in which he acts or of 20% of his basic salary which ever is more. After considering the rates of acting allowance paid by other insurance companies, I think that the proper order to make would be that an employee who acts in the higher grade shall be paid acting allowance of 15% of the initial salary of the grade in which he acts or 15% of his basic salary whichever is more, as the officiating allowance for the higher post, provided the period for which he officiates exceeds 21 days.

41. *Overtime Allowance.*—In the charter of demands the claim for overtime allowance was stated as follows:—

"No employee be required to work overtime in normal circumstances. But if any employee is called for overtime work after normal office hours, he shall be paid an overtime allowance at the rate of 1½ times the salary including all allowances. No employee shall work overtime on Sundays."

In its written statement the union has stated that at present the company by way of long-standing practice is as a matter of fact giving overtime at the rate demanded and it claims that an award be made in terms thereof. The company in its written statement has stated that overtime is paid according to the provisions of the Bombay Shops and Establishments Act, and it has opposed the claim for payment of overtime at the rate of 1½ times of the salary including allowance after normal working hours. It is stated that the company makes *ad-hoc* additional payments if any employee, with the prior permission of the management, is occasionally required to work overtime and since there is no regular practice of overtime work, no direction should be made in that regard. At the hearing Shri Joshi for the company stated that it would be prepared to pay overtime allowance on the basis of the circular issued by the Bombay Chamber of Commerce dated 24-2-1955 (Exhibit C-21). I have gone through that circular and find that it relates to the method of calculation of payment for overtime on hourly basis. The company has not admitted the union's statement that at present the rate of overtime payment is 1½ times the wages inclusive of dearness allowance. From the union's exhibit U-E, I find that whilst several of the companies are granting overtime payment at the rates claimed by the Union, there are several other companies which grant overtime as provided by the Shops and Establishments Act. In the circumstances, I think I would be justified in directing the company to pay overtime on the basis of the circular of the Bombay Chamber of Commerce (Exhibit C-21) and I directly accordingly. I may however say that at the hearing nothing was urged in support of the demand that no employee be required to work overtime in normal circumstances as also the demand that no employee shall work overtime on Sundays and these demands are therefore rejected.

DEMAND No. 4

BONUS

42. In the charter of demand dated 21-5-1956 the claim for bonus was stated as follows:—

"The company should pay its staff and sub-staff a bonus equivalent to two months' salary with dearness allowance. Proportionate bonus should be paid to the employees who may not have completed one year service during the year in question but had put in more than three months service. The company should pay two months' bonus to its staff and sub-staff for the years 1954 and 1955."

43. In its written statement of claim the union had called upon the company to produce its balance sheet and profit and loss accounts as also the Income Tax Assessment orders and other particulars regarding the company's accounts for the years 1954, and 1955. The union's submission is that these accounts would show that from the profits for the years 1954 and 1955, after making due provision for the proper prior charges, enough residuary surplus would remain to justify the payment of two months basic wages as bonus for each of the years 1954 and 1955.

44. The company in its written statement in reply and at the hearing raised the following objections against the demand:—

- (a) that the demand for bonus made by the union is belated.
- (b) that by clause VII of Section 31A of the Insurance Act, 1938 the Tribunal has no jurisdiction to adjudicate upon this demand and
- (c) that the working of the Bombay Branch of the company does not warrant payment of any bonus to the workmen for either of these 2 years.

45. Now, the company's financial year is the calendar year and ends on 31st December of each year. Shri Joshi for the company argued that as the company's financial year 1954 ended on 31-12-1954 and the demand for bonus for that year was made for the first time only on 26-5-1956, long after the company's accounts for 1954 had closed, the demand must be held to be belated and therefore not maintainable. For that proposition he has relied upon the decision in the leading case of the Kashi Iron & Foundry Company's case (1952-I.L.L.J. p. 199). Following the principle of that case it must be held that the demand for bonus for 1954 is belated and therefore cannot be adjudicated upon.

46. This leave for consideration the demand for bonus for the year 1955. In support of the claim for bonus for 1955 equivalent to 2 months' basic wages Shri Godiwalla has largely relied upon the union's information that for each of the said two years 1954, and 1955, the company had paid its Head Office Staff at Calcutta bonus equivalent to 2 months' basic wages.

47. Now, Shri Joshi for his second contention that under the provisions of clause VII of Section 31A of the Insurance Act 1938, this Tribunal has no jurisdiction to entertain the demand for bonus made by the workmen employed by an insurance company, has relied upon my award in the case of the Hercules Insurance Co. Ltd. and its workmen (1958-I.L.L.J.p.189), where I had upheld a similar contention. Shri Godiwalla the learned Advocate for the union has argued (1) that the discretion of the Government under Clause VII of Section 31A was no bar to the Tribunal awarding bonus when a dispute is referred to it, (2) that the provision of Sections 40A, 40B and 40C of the Insurance Act which relate to limitation on certain types of expenditure do not refer to bonus (3) that the bonus referred to in Section 49 of the Insurance Act is not profit sharing bonus and (4) that the Rule 17E does not apply to bonus as it relates to expense ratio. In my Award in the case of the Hercules Insurance Company, I have dealt with similar submissions and nothing Shri Godiwalla has urged has induced me to revise my decision in that case that under the provisions of the Insurance Act and its Rules, Industrial Tribunals have no jurisdiction to entertain a demand for bonus and that it is the opinion of the Central Government that only prevails. I, therefore, uphold Shri Joshi's contention and hold that this Tribunal has no jurisdiction to adjudicate on the demand under reference.

48. But apart from this technical contention, I am not satisfied that the employees of the Bombay branch are entitled to make any claim for bonus for 1955, as admittedly for that year the Bombay branch did not earn any profits. No doubt the trading results of the company as a whole did result in a substantial profit having been earned in 1955. It is also true that employees of the Head

Office of the company at Calcutta were paid one month's basic wages as good trading bonus for 1955 and in addition they were paid puja bonus equivalent to one and a half month's basic wages. But the Puja Bonus is customary bonus paid in Calcutta at Puja time and it appears to be un-related to the profits earned in any year. The one month's basic wage by way of good trading bonus was paid to the Head Office employees because that Branch, showed good results. I do not think the Bombay employees can lay claim to any bonus on that ground as the Bombay branch did not contribute anything to the profit earned by the Calcutta branch or the company as a whole for 1955. Not having contributed in any manner by their efforts made in that year to the earning of the profits for 1955, the Bombay workmen cannot lay claim to a share in those profits by way of bonus. The demand for bonus for 1955 is therefore also rejected. I may say that even if I had not held the demand for bonus for 1954 to be belated, I would have rejected the demand for bonus for that year on the same grounds.

#### DEMAND No. 5

##### *Hours of work*

49. The demand is as follows:—

"Hours of work for the staff shall be seven hours including one hour's recess.

*On Saturday:*—Three hours' work shall be there.

For lower grade staff the hours of work shall be on week days 7½ hours, including one hour recess.

*On Saturday:*—The hours of work shall be 3½ hours only. A grace time of 15 minutes should be allowed to the employees before marking late."

The existing hours of work for the staff in Bombay office are: 10-30 a.m. to 5-30 p.m. with one hour recess on week days and 10-30 a.m. to 1-30 p.m. on Saturdays without any recess. That the total number of actual hours of work amount to only 33 hours per week excluding recess time. For the subordinate staff the working hours are 9-30 a.m. to 5-30 p.m. with one hour recess and they are also being made to work for one hour more on Saturdays than the clerical staff. The hours of work at present in force are what the Union demands. I am not satisfied that any reduction in the working hours for the subordinate staff is justified or called for. Subordinate staff have to attend office before the clerical staff attend duty and have to leave office after the clerical staff leave. This is because of the nature of their duties. Considering that the total number of hours of work in the week which the subordinate staff at present work, the demand for reducing the same by half an hour is rejected. With regard to the grace time the company already allows 15 minutes grace time and therefore no further directions are considered necessary. I therefore confirm the existing hours of work.

#### DEMAND No. 6

##### *Leave*

50. The demand under this head covers the demand for casual leave, sick leave, privilege leave and special leave, and I shall deal with them in that order.

51. *Casual leave.*—The union claims 21 days casual leave with full pay in the year with a right to the employee to avail himself of 6 days casual leave on a stretch, with the right to prefix or suffix casual leave to Sundays and holidays. The company under its circular dated 19th June, 1956 (Exhibit C-9) has with effect from 1st January, 1956 allowed its employees 10 days Casual leave annually on full pay. It has further provided that Casual Leave shall not be allowed to be accumulated and may be allowed in periods not exceeding 6 days at a time. The company's rules provide that casual leave cannot normally be suffixed or prefixed to public holidays under the Negotiable Instruments Act. Where special previous permission is not obtained, the preceding, intervening and succeeding holiday/holidays will be counted as part of the casual leave. The rule further provides that casual leave is subject to prior sanction except in cases of emergency when the individual concerned should report his absence by telephone or otherwise without delay. That casual leave taken in excess of the ten days will be treated as absence without leave.

52. The demand for 21 days casual leave cannot possibly be conceded. In my opinion the normal provision of 10 days casual leave is adequate. I consider most of the conditions prescribed by the company governing the casual leave as reasonable except that the right to prefix or suffix public holidays and Sundays to casual leave should be allowed. No further change is necessary in the conditions governing casual leave as prescribed by the company and I award casual leave benefits of 10 days in the year on the same conditions as prescribed by the

management except that Sundays and public holidays should be allowed to be prefixed or suffixed to the casual leave days.

53. *Sick Leave*.—The company's circular of 19th June, 1956 (Exhibit C-9) provides that sick leave will be allowed on the recommendation of the office doctor, on half pay, in Bombay only and the period of sick leave will be at the discretion of the company. It is further provided that sick leave applied for without the support of a Medical Certificate from the office doctor, will be treated as casual leave. The union has demanded one month's sick leave for every completed year of service to be granted on production of medical certificate with full emoluments with unlimited right of accumulation thereof. In addition to paid sick leave the union claims that an employee shall be entitled on medical grounds to continue the leave on half pay and full allowances till he fully recovers. I consider the company's sick leave rules to be unsatisfactory. It is in my opinion, far better in the interest of industrial peace to lay down specific rules, governing sick leave rather than leave the entire period of sick leave to the discretion of the employer, however benevolent he may be. Whilst I do not consider the company's sick leave rules satisfactory. I do not consider the union's demand either reasonable or justified. I think it fair that the number of days for which sick leave can be obtained in a year and the extent to which they can be accumulated should be specified. There are several insurance companies in Bombay which are granting sick leave of 15 days on full pay (including basic pay and dearness allowance) in the year with a right accumulate the same for 90 days i.e. 3 months (see Exhibit U-F) and I award accordingly. The application for sick leave will have to be supported by a certificate of any Registered Medical Practitioner. If the company would desire the workmen to be examined by its own doctor before granting the application for sick leave then it would be open for it to insist on such examination and the workman would then have to submit to such medical examination. In cases where sick leave in excess of 90 days supported by medical certificate is claimed it shall be at the discretion of the management whether to grant such leave or not and if so on what terms.

54. *Privilege leave*.—In the charter of demand the Union had claimed one day's privilege leave for every 11 days service with a right to accumulate the same for 120 days. Prior to 19th June, 1956 there were no definite leave rules for the Bombay staff but by its circular of that date the company granted to its Bombay staff with effect from 1st January, 1956 the same leave privileges as are being granted to its head office staff at Calcutta. The provisions of that circular (Exhibit C-9) with regard to the quantum of privilege leave and its accumulation are as follows:—

“(a) privilege leave.

1. Employees with

1 to 10 years service ..	14 days per annum- accumulative upto 28 days on full pay.
over 10 to 20 years service ..	21 days per annum accumulative upto 42 days on full pay.
over 20 years of service ..	28 days per annum accumulative upto 56 days on full pay.

2. Leave may only be taken in the periods as stated above and not in part.

3. The staff are expected to arrange their leave in conjunction with the Assistant in charge of this department as early as possible so as to ensure that the work of the Department is not affected. It should, be arranged if possible that not more than one person in a section should be away at any one time.

4. Not less than one month's notice must be given to the Head of the Department.

5. Serious view will be taken of arrears of work at the time of departure on leave.

6. Extension of leave will not be granted beyond the authorised period except in extreme cases and with the prior permission of the company.”

55. The union has been critical both with regard to the quantum of privilege leave provided and the conditions governing their accumulation and grant. The union has argued that in the insurance industry taken as a whole in Bombay clerks are normally granted 30 days privilege leave in the year with the right to

accumulate such privilege leave at least upto 90 days. In this connection, the union's statement Exhibit U-F shows that out of the 13 companies shown in that statement, 12 are by agreement with the union, granting 30 days privilege leave in the year and the accumulation varies from 60, 75 to 120 days. Even the statements filed by the company (Exhibit C-14(1) to (5) and Exhibit C-15(1) to (5) show that privilege leave of 30 days in the year with a right to accumulate upto more than 2 years i.e. 60 days is not unusual. Most of the present employees of the company have put in fairly long years of service and their leave conditions in the past have certainly not been adequate. After considering all the facts and circumstances of the case, I award 30 days privilege leave on full pay after one years' service with a right to accumulate the same for three months i.e. 90 days.

I further direct that the award herein relating to casual leave, sick and privilege leave shall also come into effect from 1st June, 1958.

56. *Special leave*:—The demand is that employees attending trade union conferences shall be allowed special leave with pay and full allowances. In the union's written statement it is argued that this demand is justified on the same principle on which workmen who attend proceedings before Conciliation Officers and Tribunals are treated as on duty and are paid their wages and dearness allowance for those days. I cannot accept this reasoning as attending trade union conferences is an entirely different matter from attending proceedings before Conciliation Officers and Tribunals. When attending the proceedings before a Conciliation Officer or a Tribunal the representative of the workmen do as to safeguard the interest of the workmen in the particular industrial dispute. But it cannot be said that they attend their trade union conferences for any such specific purpose. Shri Godiwalla was not able to justify the demand by any cogent argument in its support. This demand is therefore rejected.

57. *Wages against privilege leave in case of retrenchment or death*:—It is next urged that if any earned leave is in the credit of an employee which has not been availed of it ought to be allowed to be converted into salary in case of death, retirement, retrenchment or termination of service for whatever reason. In support of this demand Shri Godiwalla has argued that the Factories Act provides for such payment. The company in its written statement has stated that in this matter it follows the provisions of the Bombay Shops and Establishments Act which is applicable to it and not the provisions of the Factories Act, which do not apply to it. The company does not admit that there are provisions in the Factories Act covering this demand as framed. At the hearing, Shri Godiwalla was not able to make out a case for granting anything more than what is provided for under the Bombay Shops and Establishments Act on the subject and as the company is already following these provisions no additional directions are necessary.

#### DEMAND No. 7

##### (Gratuity)

58. At present there is no system of gratuity for the Bombay branch employees, though there is a scheme of gratuity for the head office employees in Calcutta. The union in its written statement has claimed the following scheme of gratuity:—

- (A) An employee on voluntary retirement or on resignation or on termination of service shall be paid gratuity at the rate of one month's salary and all allowances for every completed year of service, six or more months to be computed as one year.
- (B) The amount of gratuity shall be calculated on the last day at the rate of salary and all allowances which the employee shall be entitled to draw at the time of his retirement, resignation or termination.
- (C) Full gratuity shall be payable to an employee who has completed three years of service at the time of his retirement resignation or termination. In the case of death or retirement or resignation due to permanent physical disability or mental infirmity or compulsory retirement or resignation full gratuity shall be paid without any restriction of period.
- (D) An employee voluntarily retiring or resigning within three years shall be paid gratuity at the rate of 3/4th of a month's salary including all allowances for each year of service.
- (E) Six months or more of service shall be computed as one full year."

59. The union supports this demand on the ground that it is now well recognised that when the employer company has the financial capacity both the retirement benefits of provident fund and gratuity should be awarded. The union has argued that as admittedly the company is financially very sound and prosperous and the Bombay branch has been in existence since 1941, the workmen should be granted the additional benefit of gratuity. It has urged that the employees of the company's head office at Calcutta are getting the benefit of gratuity since a long time and it is not fair that the Bombay employees should be denied this benefit. In fact at the hearing Shri Godiwalla offered to accept the same scheme of gratuity as is paid by the company to its employees at its head office at Calcutta [Exhibit T (k)]. The company's scheme of gratuity for its employees at Calcutta head office, provides for payment of gratuity only on retirement or death and not in any other circumstance. Under the company's scheme an employee who has completed 10 years service but has not completed 20 years service gets gratuity equivalent to one month's basic pay multiplied by the number of completed years of service, less the company's contribution to the employees' provident fund account with interest and any other items pertaining to the company's contribution; for an employee who has completed 20 years service but has not completed 30 years service the rate is  $1\frac{1}{2}$  months' basic pay multiplied by the number of completed years service and for an employee who has completed 30 years' service or more, 2 months' basic pay multiplied by the number of completed years service less interest in each case of the company's contribution to the employees' Provident Fund account with interest etc.

60. The company has argued that as the Bombay branch is not making any profits the demand for gratuity is not justified. The principles on which gratuity is granted in addition to Provident Fund have been stated in the decisions of the Labour Appellate Tribunal in the case of Indian Oxygen and Accleytin Co. Ltd. and its workmen (1956.I.L.L.J. p:435) as follows:—

"It is now well settled by a series of decisions of the Appellate Tribunals that where an employer company has the financial capacity the workmen would be entitled to the benefit of gratuity in addition to Provident Fund. In considering the financial capacity of the concern, what has to be seen is the general financial stability of the concern. The factors to be considered before framing a scheme of gratuity are the broad aspects of the financial condition of the concern, its profit-earning capacity, the profit earned in the past, its reserves and the possibility of replenishing the reserves, the claim of capital put having regard to the risk involved, in short, the financial stability of the concern."

There is no doubt that this company which is 107 years old fulfils all the tests laid down by this decision. The company taken as a whole, undoubtedly has the financial stability to grant the benefit of gratuity in addition to the benefit of provident fund. I am of the opinion that the company can well afford to pay the same benefit of gratuity to its Bombay branch employees as it is paying to its employees at Calcutta. It must also be remembered that the Bombay Office has now been in existence since 1941 and most of the workmen have put in fairly long years of service. I am quite conscious that in Bombay the scheme of gratuity normally granted is in many respects better than that being paid by the company to its employees at Calcutta. Shri Joshi for the company has stated that if any scheme of gratuity is to be granted, it should be the one that the company is granting to its Calcutta employees. I, therefore, award the same scheme of gratuity for the workmen of the Bombay branch of the company as is being granted by the company to its head office employees at Calcutta. That scheme of gratuity (In Co's Ex.T-k) is as follows:—

"(ii) *Gratuity*.—Subject in the case of the employee's voluntary retirement to his having served the company for a continuous period of 10 years, and subject to the employee not having been dismissed for misconduct, the company will pay a gratuity at the time of retirement or death computed as follows:—

(a) for an employee who has completed 10 years service but has not completed 20 years service:

1 month's basic pay multiplied by the number of completed years of service

LESS The Company's contribution to the employee's Provident fund account, with interest and any other items pertaining to the company's contribution

- (b) for an employee who has completed 20 years service but has not completed 30 years service:

1½ month's basic pay multiplied by the number of completed years service

LESS the company's contribution to the employee's Provident Fund account, with interest and any other items pertaining to the company's contribution

- (c) for an employee who has completed 30 years service or more:

2 months' basic pay multiplied by the number of completed years service

LESS the company's contribution to the employee's Provident Fund account, with interest and any other items pertaining to the Company's contribution."

#### DEMAND No. 8

##### *Provident Fund*

61. This company has no Provident Fund Scheme of its own but its employees at the Head Office at Calcutta and at the Bombay branch, are members of the Provident Fund scheme of Jardine Skinner and Co which provides for a rate of contribution of 7½ per cent of basic salary. The present demand is that this rate of contribution be raised to 8-1/3 per cent with equal contribution by the company, with interest at the rate of 4%. It is also claimed that a member should become entitled to the company's contribution to the provident Fund after two years' continuous membership and on resignation the member should be entitled to the company's contribution with interest if he has put in 3 years continuous service.

62. The company in its written statement has raised the preliminary objection that this demand is not maintainable and this Tribunal has not jurisdiction to entertain the same as the Trustees of the Provident Fund of Messrs. Jardine Skinner & Co. and or the other members of the Provident Fund in question are not parties to this dispute. It is pointed out that a large number of employees of Jardine Skinner and Co. employed in various establishments all over the country are members of the provident fund account and they are not parties to the dispute, no change should be made in the provident fund scheme without making them parties, which the union has failed to do. This contention must be upheld. A similar contention has been upheld by several previous awards of Industrial Tribunals in Bombay. Realising this, Shri Godiwalla suggested that a new scheme of provident fund should be awarded incorporating thereon the various amendments in the existing Provident Fund Rules demanded by the union. But that is not the demand as made or as referred for adjudication to this Tribunal and therefore I would have no jurisdiction to prescribe any new scheme of Provident Fund. As the preliminary objection against the maintainability of this demand succeeds, I do not think it necessary to discuss the merits of the various amendments to the Provident Fund scheme sought, nor would I be justified in making any recommendation instead of a binding award as suggested by Shri Godiwalla, the learned Advocate for the union.

#### DEMAND No. 9

##### *Medical Facilities*

63. The demand is that the company should introduce a scheme of free medical benefit for its staff. The union in support of this demand has stated that such a practice is normal in the insurance industry. The company has opposed this demand on the ground that its present business prospects do not warrant the grant of any benefits which would increase its establishment charges. It has stated that the Bombay branch is trying to put its home in order and has appealed to the employees to co-operate with it by not making unreasonable demands at the present juncture, the difficulty before me is that the union has not formulated any definite scheme of medical facilities either in its written statement or at the hearing. During the discussion at the hearing on this demand the management stated that it has now appointed one Dr. Kher as the company's Medical Officer since 19th June 1956, but it appears that he has been appointed more to check the application of employees for sick leave on grounds of illness than to give the employees the benefit of medical aid or assistance at his hands. It, however, appears to me that the company would be prepared to treat this demand sympathetically if it were left to the discretion of the Branch Manager. It was pointed

out that in the past free medical aid was made available to employees in deserving cases and I am confident that the management will adopt the same attitude now. I therefore do not give any binding directions on this demand, but leave it to the management to treat each case on its merits. I am confident that the management will respond in the proper spirit.

**DEMAND No. 10**

**Right to Existing Benefits**

64. In the Charter of demands the following demand was made:—

*"Rights of Existing benefits.—Nothing contained in this charter shall adversely affect or take away from any employee or group of employees any rights, privileges, practices, or contentions, amenities or other conditions of service that are already vested in or enjoyed by such other employees or group of employees."*

In its written statement the union has stated that, "by this demand the union seeks an assurance to the employees reserving in tact any benefit, advantage or privilege available to them whether any agreement or custom or practice."

65. The company in its written statement in reply has stated that as the demand is in very vague terms, the company is not in a position to accept or reject whatever has been stated unless the union files a statement giving what are the existing rights and privileges which are already vested in or enjoyed by them.

66. On similar general demands Tribunals have held that it is not possible to give any definite award or directions. The inability of the Tribunal to make an award would not, however, in any way adversely affect the right to existing benefits to which the workmen are entitled.

67. I award Rs. 100 as costs to the Union.

(Sd.) SALIM M. MERCHANT,  
Chairman

Central Government Industrial Tribunal, Dhanbad.

DHANBAD;

The 28th November 1958

[No. LR/II/11(16)/57.]

New Delhi, the 8th December 1958

S.O. 2594.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Churulia Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 48 of 1958

**PARTIES:**

Employers in relation to the Churulia colliery, P.O. Churulia Dt. Burdwan.

AND

Their workmen.

Dhanbad, dated the 29th November 1958

**PRESENT:**

Shri Salim M. Merchant, B.A.L.L.B.—Chairman.

**APPEARANCES:**

Shri Mohit Kumar Mukherjee, Advocate, with Shri Monoj Kumar Mukherjee, Pleader, and Shri M. R. Sharma, Agent, Churulia colliery—  
for the employers.

Shri Kalyan Roy, Member, Secretariat, and Shri J. K. Banerjee, General Secretary, Indian National Mines Overmen & Shotfirers Association—  
for the workmen.

State: West Bengal

Industry: Coal.

## AWARD

The Government of India, Ministry of Labour and Employment, by its Order No. L.R.II/1(61)/58, dated 4th August 1958, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47), was pleased to refer to me for adjudication the following industrial dispute specified in the schedule to the said order:—

"Whether the Management of Churulia colliery, P.O. Churulia (Burdwan) is justified in changing the designation of Sarvashri Anil Kumar Chakrabarty, Chaturbhuj Roy, Satish Chandra Majumdar, Dukha Bowri and Dinjapada Das from Overmen to Mining Sirdars after the Decision of the Labour Appellate Tribunal in the appeals against the award of the All India Industrial Tribunal (Colliery Disputes) and, if not, what relief they are entitled to."

2. After the usual notices were issued on the parties, the statement of claim on behalf of the workmen was filed by the office Secretary, Indian National Mines Overman, Sirdars & Shotfirer's Association on 28th August, 1958 to which the employers filed their written statement in reply on 9th September, 1958. Thereafter, the dispute was fixed for hearing on 7th October, 1958 and after being part heard was adjourned till today. At to-day's hearing, the parties filed an application recording the terms of settlement that have been reached between them and have prayed therein that an award be made in terms thereof. A copy of the said application embodying the terms of settlement is annexed hereto and marked Annexure 'A' and as I am satisfied that the terms of settlement are fair and reasonable, I make an award in terms of the said application which shall form part of this award.

3. No order as to costs.

Dhanbad,

The 29th November, 1958.

(Sd.) SALIM M. MARCHANT,  
Chairman,

Central Government's Industrial Tribunal, Dhanbad

## ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

[REFERENCE NO. 48 OF 1958]

## PARTIES:

Employers in relation to the Churulia colliery

AND

Their workmen.

May it please the Tribunal:

We the parties to the above reference have reached the following settlement in this dispute and pray that an award be made in terms thereof:

1. The parties are agreed that the management will pay, (1) Shri Anil Kumar Chakrabarty, and (2) Shri Chaturbhuj Roy, the wages prescribed by the Majumdar Award as modified by the decision of the Labour Appellate Tribunal dated 29th January 1957 with effect from 1st January 1958. It is further agreed that they will be designated as overman with effect from 1st January 1958 until the Mines Department objects to their being so designated.

2. It is further agreed between the parties that the management will appoint Shri Dinjapada Das as overman and pay him as such if the Department of Mines decides that three overmen are required for the Churulia colliery.

3. The union does not press the claims of, (1) Dukha Bowri and (2) Shri Satish Chandra Majumdar, in this reference but their claim for being appointed as overman will be considered in future vacancies.

4. It is further agreed that arrears of dues, being the difference between the wages drawn by them and the rates of pay according to the Labour Appellate Tribunal's decision with effect from 1st January, 1958 shall be paid to:

(1) Shri Anil Kumar Chakravarty, (2) Shri Chaturbhuj Roy within 15 days from today.

Signed this the 29th day of November 1958.

Dhanbad,

The 29th November, 1958.

For the employers:

MOHIT KUMAR MUKHERJEE,

Advocate.

M. R. SHARMA,

Agent,

Churulla Colliery.

for the Workmen:

KALYAN ROY,  
Member, Secretariat,  
Indian National Mines Overman,  
Sirdar & Shotfirers' Association, duly authorised.

J. K. BANERJEE,  
General Secretary,  
Indian National Mines Overman, Sirdar &  
Shotfirer's Association, duly authorised.

Taken on file.

(Sd.) SALIM M. MERCHANT,  
Chairman,

Central Government's Industrial Tribunal, Dhanbad.

[No. LR11/1(61)/58.]

New Delhi, the 9th December 1958

**S.O. 2595.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Neamatpur Workshop of M/s Macneil and Barry Ltd., P.O. Dishergarh, Distt. Burdwan and the Colliery Mazdoor Congress over dismissal of Shri D. N. Ghatak, Ledger Keeper.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 17 OF 1958

**PARTIES:**

Employers in relation to Neamatpur Workshop of Messrs. Macneil & Barry Limited, P.O. Dishergarh.

AND

The Colliery Mazdoor Congress, representing the workmen.

**PRESENT:**

Shri Salim M. Merchant, B.A.L.L.B., Chairman.

Dhanbad, dated the 29th November, 1958.

**APPEARANCES:**

Shri Ajit Roy Mukherjee, Advocate, with Shri T. Chakravarty, Vice President, and Shri S. K. Rudra, Office Secretary, of the Colliery Mazdoor Congress—for the workmen.

Shri D. Narsingh, Advocate, with Shri H. B. Singh, Manager, Stores Department, and Shri O. P. Rhatnagar—for the management.

State: West Bengal.

Industry: Coal.

## AWARD

The Government of India, Ministry of Labour and Employment by order No. LR.II-2(5)/58 dated 28th March, 1958, upon a joint application having been made to it by the parties above named, has been pleased under the provisions of Section 10(2) of the Industrial Disputes Act 1947, to refer to me for adjudication the industrial dispute in respect of the following matter specified in the schedule to the said order:—

## THE SCHEDULE

"Whether the dismissal of Shri D. N. Ghatak, Ledger Keeper, General Stores, Neamatpur Workshop of Messrs. Macneill and Barry Limited on the charges framed against charge sheet No. 895 dated 15th November, 1957 and 896 dated 16th November, 1957 was justified. If not, what relief Shri Ghatak is entitled to?"

2. After the usual notices were issued, the written statement of claim on behalf of the workmen was filed by the General Secretary, of the Colliery Mazdoor Congress, on 28th April, 1958 and the company filed its written statement in reply on 20th May, 1958. Thereafter parties took some time, among other grounds, for the union to approach the management for a settlement but as no settlement was reached the arguments were finally heard on 17th October, 1958.

3. The facts of the case are that Shri D. N. Ghatak, the workman concerned in this dispute was employed as a Ledger Keeper in the Neamatpur Workshop of Messrs. Macneill and Barry Limited. He had, on the date of his dismissal which took effect from 13th December, 1957, put in about 12 years continuous service. The first of the two incidents, which resulted in his ultimate dismissal, occurred on 14th November, 1957 and the union's version of the incident is that at about 8-30 a.m. on that day when Shri Ghatak was on duty, he received a telephone call from outside; that the call was received by Shri H. Chakravarty (Record Clerk) who sent the office boy to fetch Shri Ghatak. The telephone instrument was then in the office room of the Stores Manager, Shri H. B. Singh. According to Ghatak whilst he was receiving the call Shri Singh entered the office room and objected to his using the telephone in his office room and took away the telephone receiver from his hands. Shri Ghatak alleges that Shri Singh was unnecessarily harsh and extremely rude towards him and he protested against this rudeness. According to Ghatak he told Shri Singh that the message was an urgent one, concerning a jeep accident in which his brother was involved and he requested Singh to allow him to finish the conversation, but Shri Singh was adamant and dropped the receiver. That thereafter on the next day i.e. on 15th November, 1957, Shri Singh issued a charge sheet No. 895 against Shri Ghatak charging him with (1) wilful insubordination and disobedience of orders; misconduct and disorderly behaviour prejudicial to good conduct in as much as on 14th November, 1957 he (Ghatak) came into the Manager's office and started phoning without permission to private individuals and on being asked not to do so he insisted on telephoning and shouted threateningly at the top of his voice showing extreme rudeness and impertinence to the manager, (2) habitual neglect and indiscipline and (3) habitual late attendance. Ghatak replied to the charge sheet on 18th November, 1957, denying all the three charges and on the first charge his defence was that Shri Singh had been rude to him. Now, this is the first of the two charge sheets which form the subject matter of the dismissal and I shall therefore pause here to give the management's version of the incident of 14th November, 1957.

4. The management's version of the incident of 14th November, 1957 is that Shri Ghatak entered the office of the Stores Manager and without his permission started telephoning to private individuals and on being asked to use the telephone later as the stores Manager had to use it urgently on company's business, Ghatak shouted at the top of his voice showing extreme rudeness and impertinence to his superior. That on the next day charge sheet No. 895 was issued to him charging him with (1) wilful insubordination, disobedience of order and disorderly behaviour on 14th November, 1957, (2) Habitual neglect and indiscipline and (3) habitual late attendance. With regard to the two charges of habitual neglect and indiscipline, and habitual late attendance, the company has in its written statement stated that in 1955, Shri Ghatak was dismissed for his habitual absence from duty, but on his assurance to improve his conduct, the management commuted the order of dismissal to one of final warning (See Annexure 'A' to the company's written statement); that in spite of warning Shri Ghatak had not shown any improvement in his work and conduct nor in the punctuality of his attendance; that in December 1956 Shri Ghatak had been called upon to explain his habitual late attendance (See Annexure 'B' to the company's written statement)

but in spite of that he had persisted in his late attendance and during 1st January 1957 to 15th November 1957 had been late on as many as 176 days.

5. Now, the second incident, followed in quick succession. According to the management on 15th November 1957 between 5.15 and 5.30 P.M. when Shri H. B. Singh came out of the workshop, Ghatak stopped his (Singh's) car on the road side and obstructed him from proceeding further and surrounded his car with the help of other people. He was, therefore, charged with misconduct and disorderly behaviour prejudicial to good conduct under charge sheet No. 896 dated 16th November, 1957. He was further informed that he was suspended forthwith pending the result of the enquiry into the occurrence. This charge was received by Ghatak by registered post on 27th November, 1957 and he replied to it stating that the charge against him was baseless as he had not stopped the Stores Manager's car on 15th November, 1957.

6. It is admitted that enquiries on these two charge sheets were held by the Labour Relations Officer of the company on 30th November, and 2nd December, 1957 at which Shri Ghatak was present. The record of the proceedings of the enquiry are attached to the company's written statement as 'C' series. According to the union the enquiry was held in a perfunctory manner inasmuch as several witnesses cited by Shri Ghatak were not called nor were his statements correctly recorded. According to him the enquiry was a face saving device, the management having prior to the said enquiry already decided to dismiss him from service. He further contends that the enquiry was vitiated by the fact that Ghatak was not given a fair hearing. The company has denied these allegations and has stated in reply that at the enquiry Ghatak was given every opportunity to defend himself and to cross-examine the witnesses and in fact he did cross-examine the witnesses and that the statements recorded at the enquiry were countersigned by Ghatak. The company has specifically denied Shri Ghatak's allegation that witnesses cited by him were not examined at the enquiry and has stated that in fact no witnesses were cited by Shri Ghatak at the enquiry and it has pointed out that no complaint to that effect was made by Shri Ghatak at the time of the enquiry or within a reasonable time thereafter.

7. I may here pause and say that even at the hearing of this dispute before me, it was not stated on behalf of Ghatak as to which witnesses cited by him had not been examined at the enquiry. I am, therefore, not satisfied that these allegations of Ghatak have any substance. I have, therefore, to see whether on the record of the enquiry on the two charge sheets the order of dismissal passed against Shri Ghatak was justified or not and if not, what relief Shri Ghatak is entitled to.

8. I may state that in respect of the 3 charges contained in charge sheet No. 895 dated 15th November, 1957, the enquiry officer by his report dated 5th December, 1957, held Shri Ghatak guilty of all the 3 charges and similarly on the charge sheet No. 896 dated 16th November, 1957, the Enquiry Officer by his report found Ghatak guilty of the misconduct of having stopped and prevented the Store's Manager, Shri H. B. Singh, from proceeding further. Upon receipt of these reports the Chief Engineer Shri W. E. Smith recommended Ghatak's dismissal from service and the Superintendent Shri W. M. Burch, on 12th December, 1957 passed final orders on each charge sheet ordering Ghatak's dismissal from service. Thereafter, an industrial dispute having been raised over this dismissal the parties made a joint application to Government to refer this dispute for adjudication to a Tribunal and accordingly Government has been pleased as stated earlier to refer this dispute to me for adjudication under Section 10(2) of the Act.

9. The contention of Shri Ajit Roy Mukherjee, the learned Advocate for the workmen, with regard to the charge sheets Nos. 895 and 896 dated 15th November, 1957 and 16th November, 1957, respectively was that the finding of the enquiry officer that all the charges mentioned in those charge sheets had been established at the enquiry was a perverse finding in as much as it was not supported by the evidence on record and as the whole proceedings had been vitiated by the prejudice of the enquiry officer.

10. I shall first deal with Shri Ajit Roy Mukherjee's contentions with regard to the first charge sheet No. 895, which as stated earlier, contained three charges. The first and the main charge was with regard to the telephone incident on 14th November, 1957, with regard to which the charge levelled against him was under standing order 27(1) of wilful insubordination or disobedience of lawful or reasonable order of a superior. Now, at the enquiry, the enquiry officer recorded the statement of Shri Ghatak. In his statement Shri Ghatak stated that what he had stated in his written explanation to the charge sheet was correct and he

had nothing more to add to it. Upon this Shri Ghatak was cross-examined, but the record of the enquiry is not clear as to who cross-examined Shri Ghatak. However in cross-examination Shri Ghatak stated that on 14th November when the telephone call came for him the instrument was on the table of the Stores Manager who was at that time not in his office; that he was informed by Shri Himansu Chakraborty, the Record Clerk about the call and he accordingly came to answer the telephone call. At that time the Stores Manager was not in his room. When he (Ghatak) was answering the telephone call and was in the midst of his conversation and the phone he was interrupted by the Stores Manager. Shri Ghatak in cross-examination was also questioned about his late attendance and he stated that he did not want to see the late attendance register maintained by the Time Keeper as he had never before seen any such register and was never aware that such a register was at all maintained in the stores and workshop. He stated that he had never been charge sheeted for such late attendance in the past and the register did not bear his signature. With regard to the charge of habitual neglect and indiscipline Shri Ghatak in cross-examination stated that it had nothing to do with the main charge of the telephone incident of 14th November, 1957.

11. At the enquiry the statement of the Stores Manager, Shri H. B. Singh was also recorded. According to Shri Singh on 13th November, 1957, at about 9 or 10 a.m. a telephone call was received from Asansol No. 704 asking for Shri Ghatak. He thereupon asked Shri Chakraborty the record clerk to send for Shri Ghatak. According to Singh, Shri Ghatak came and spoke on the telephone for some time and the connection was broken. Shri Ghatak got the connection again and spoke on the phone again. Thus, according to Shri Singh the telephone call from Asansol Telephone No. 704 was received on 13th and not on 14th as is the other evidence on the record. According to Shri Singh what happened on 14th November, was that that the telephone was in his room and as the telephone clerk was sick, he was answering for the Works Manager who was away in Calcutta. Shri Singh's version of the incident on 14th November is that at about 9 a.m. Shri Ghatak came into his office room and used the telephone. While he was still speaking on the phone, the connection was broken. Shri Ghatak went away and waited outside for two minutes. He came again to use the phone which was then dead and went away. After some time a couple of telephone calls came from outside and the telephone was in order and Shri Singh went into the godown to make some enquiries in response to these calls. When he came back he found Shri Ghatak in the room and he had just picked up the telephone to put in a call by dialling a number. According to Shri Singh as he was in a hurry to use the telephone to answer an enquiry, he told Shri Ghatak not to use the telephone but come later on. On this Ghatak got very angry and started shouting as to why he was not being allowed to use the phone to ring up his brother. According to Shri Singh he told Shri Ghatak that the company's business must come first before everything else, as it was not a private telephone. Shri Ghatak was not amenable to any reason and he was shouting at the top of his voice and did not put down the receiver but insisted on telephoning. This attracted the attention of Shri A. K. Banerjee, Head Stores Keeper and others, in the office. Shri Banerjee came to the office door and enquired as to what was going on, upon which Ghatak said that he was not being allowed to use the telephone to ring up his brother. Shri Banerjee advised him that even though Shri Singh had not allowed him to use the telephone, that was no reason for him to shout. In cross-examination by Ghatak, Shri Singh stated that he had not received any outside telephone call for Ghatak on 14th November, 1957 and that if at that time Shri Ghatak had any call, Shri Singh had no knowledge of the same; that Ghatak has been using the telephone for his personal purposes time and again and this type of incident had never happened. It was suggested to Shri Singh that he got annoyed with Ghatak because he (Ghatak) had asked for a tip of mobil oil which Ghatak had given to one Satish Babu for Singh's car, which suggestion Shri Singh denied.

12. At the enquiry, two other witnesses were examined on behalf of the management namely Shri H. Chakraborty, the Record Clerk and Shri A. K. Banerjee the Head Stores Keeper. Chakraborty in his evidence stated that on 14th November, 1957, he had received a call from Asansol, Telephone No. 704 for Ghatak and that he had thereupon sent for Ghatak. In cross-examination by Ghatak, Chakraborty stated that he had given the receiver in the hands of Shri Ghatak. The evidence of Shri A. K. Banerjee was to the effect that on 14th November, 1957, he heard Shri Ghatak shouting in the stores Manager's room when he went up there and asked him why he (Ghatak) was speaking so loudly and shouting, Shri Ghatak then told him that the Stores Manager had snatched away the receiver from his hand and was not allowing him to use the same.

Whereupon he (Banerjee) advised Ghatak not to shout and to behave like a gentleman towards the superior officers, whereupon Ghatak went away to his office work.

13. Now, on this evidence it was argued on behalf of Ghatak by Shri Ajit Roy Mukherjee that the story of Ghatak that on 14th November, 1957, he was answering the telephone call which had come from him from Asansol Telephone No. 704 and was prevented from doing so was more probable than the story of Shri Singh that he had prevented Ghatak from using the telephone because Ghatak had dialled a number and was using the telephone not to answer the call which has been received from Asansol, but to put in a call. In my opinion the evidence of Chakravarty supports the story of Ghatak that it was Singh who had prevented him from answering the telephone call which had been received from outside and that he had not on the 14th himself put in a call to any party. Witness Chakravarty's statement that he handed over the receiver to Shri Ghatak, supports his version. This statement has surprising not been accepted by the enquiry officer and the reason for rejecting this statement given by him is as follows:—

"Shri Chakravarty in his cross-examination by Shri Ghatak stated that he did not give the receiver in Shri Ghatak's hand but on repeated insistence of Shri Ghatak Shri Chakravarty again said that he gave the receiver in Shri Ghatak's hand. The two contradictory statements made in one breath are unbelievable."

It must be remembered that Chakravarty was a witness on behalf of the management and his answer that he handed over the receiver to Shri Ghatak is consistent with his story that the outside call from No. 704 from Asansol had been received on 14th November, 1957, and not on 13th November, 1957, as stated by Shri Singh the Stores Manager.

14. However, there is evidence that Shri Ghatak did raise his voice and was shouting over this incident. It is however admitted that he did not use any abusive language.

15. In this connection, it is urged by Shri Ajit Roy Mukherjee, the learned advocate for the workmen that the fact of Ghatak having shouted even if held to be proved did not establish misconduct of wilful insubordination and disobedience of any lawful or reasonable order of a superior under standing order 27(1). He has argued that the proper charge might have been under Standing Order No. 27(5) of disorderly behaviour. There is no doubt that the proper charge for the misconduct of raising his voice and shouting would have been under Standing Order No. 27(5) and it is difficult to hold that there had been any wilful insubordination or disobedience of any lawful or reasonable order of the superior officer by Ghatak having raised his voice and having shouted during the incident of 14th November, 1957.

16. Shri Ajit Roy Mukherjee the learned Advocate, for the workmen has argued that the next two charges in the charge sheet No. 895 were added to the main charge of the incident of 14th November, 1957, in order to secure the dismissal from service of Ghatak and that the same would not have been taken notice of if the incident of 14th November, 1957, had not taken place. He has in that connection drawn attention to the fact that the charge sheet was issued by Shri H. B. Singh the Stores Manager and not by the Workshop or General Manager. It appears to me that these two other charges were added on by Shri H. B. Singh the Stores Manager only with a view to secure a heavier punishment against Ghatak than would have been inflicted on him if he had been charged only with the misconduct connected with the incident of 14th November, 1957. It is surprising how the management suddenly on 15th November, 1957, noticed the other two misconducts without there having been any immediate cause given by Ghatak for the management to take notice of them. It does appear therefore that these 2 charges were added by Shri H. B. Singh, the Stores Manager not in a *bona fide* manner.

17. Shri Ajit Roy Mukherjee learned Advocate for the workmen has argued that there was no evidence at the enquiry to substantiate the other two charges of (a) habitual negligence and indiscipline and (b) habitual late attendance with which also Ghatak had been charged by charge sheet No. 895. I shall deal with these two charges separately. I might, however, state that on the second and third charges the only evidence on record are the answers in cross-examination given by Ghatak at the enquiry where he had stated, "I do not want to see the late attendance register maintained by the Time Keeper as I had never been

shown before and I do not even know whether such a register is at all maintained in the stores and workshop. I had never been charge sheeted for such late attendance in the past. The register does not bear any signature. This register is from November, 1955, upto November, 1957. This charge of late attendance and habitual neglect and indiscipline has nothing to do with the main charge of the telephone incident of 14th November, 1957." This is the only evidence at the enquiry on record with regard to the two charges relating to habitual neglect and indiscipline and habitual late attendance. The enquiry officer in his report, on the charge of habitual late attendance has referred to the Register of Late Attendance which unquestionably establishes the charge of late attendance. Shri Ghatak denied knowledge that any such register was maintained. In that connection, the Enquiry Officer has referred to a letter No. NGS. 56 dated 27th December, 1956, which was addressed to Shri Ghatak in which specific reference was made to the late attendance register maintained at the gate office. In his reply dated 28th December, 1956, to that letter Ghatak had not denied the existence or his having any knowledge of the late attendance register. I would, therefore, hold that there was sufficient evidence to establish this charge of habitual late attendance.

18. With regard to the second charge contained in the charge sheet No. 895 of "habitual neglect and indiscipline", the only record in the entire enquiry relating to that charge is the answer in cross-examination quoted above given by Ghatak in which he stated, "that this charge of habitual neglect and indiscipline had nothing to do with the main charge of the telephone incident on 14th November, 1957." Surprisingly enough, the Enquiry Officer on this charge stated as follows:—

"Copies of letters enclosed and marked IV A-P which were issued to Ghatak clearly proved that he had been negligent in his work for quite a long time. I have also been informed that the Chief Engineer had given general verbal warnings to improve the quality of his work. This proves the charge No. 2 against him."

Now, Shri Ajit Roy Mukherjee has argued, that on the evidence on record this charge of habitual neglect and indiscipline had not been proved and that the Enquiry Officer in finding Ghatak guilty of that charge had been influenced by extraneous consideration and outside information which had not been forthcoming at the enquiry. I think this contention is correct and must be upheld. The charge of habitual neglect and indiscipline was also vague and contained no particulars. From the record of the enquiry it is clear that not even an iota of evidence was led on behalf of the management to establish this charge. The Enquiry Officer in his report has referred to certain earlier letters to Ghatak but these were never placed before Shri Ghatak nor was his explanations asked on those letters. It is also not clear how the enquiry officer got possession of those letters which were clearly not produced through any witness at the enquiry. It is clear that the Enquiry Officer was also influenced by certain extraneous considerations and outside information given to him that the Chief Engineer had given verbal warnings to Ghatak to improve the quality of his work. According to the Enquiry Officer, this proved charge No. 2 against him. Clearly the finding of the Enquiry Officer on the second charge that Ghatak was guilty of habitual neglect and indiscipline is perverse as it was based on outside information not proved at the enquiry and was unquestionably the result of a prejudiced state of mind against Ghatak.

19. Now, it was on this report of the Enquiry Officer holding Ghatak guilty of each of the three charges contained in charge sheet No. 895, that the order dismissing him from service was initially passed by the Superintendent on 12th December, 1957. The order is endorsed at the bottom of charge sheet No. 895. Now Shri Ajit Roy Mukherjee has argued that as the order of dismissal was passed because Ghatak was found guilty of all the three charges contained in charge sheet No. 895, and if it is held that the finding of guilty on any one of the three charges was not proper, then the order of dismissal as a whole should be set aside. I accept this contention of Shri Mukherjee. It is clear that the order of dismissal was passed on the report of the Enquiry Officer who found Ghatak guilty of each of the three charges. As I have held that the finding on Charge No. 2 of habitual neglect and indiscipline in charge sheet No. 895 was unsupported by evidence on record and was influenced by outside information and was therefore perverse and as the order of dismissal was passed because Ghatak was found guilty of all the three charges, the order of dismissal on charge sheet No. 895 must fail and be set aside. I may also state that the order of dismissal on charge sheet No. 896 with which I shall presently deal was also influenced by the finding of charge sheet No. 895.

20. Now, with regard to the charge sheet No. 896 the charge levelled against Ghatak was that he had been guilty of misconduct and disorderly behaviour prejudicial to good conduct inasmuch as that on 15th November 1957 between 5-15 and 5-30 P.M. he stopped the Stores Manager's car on the road side when he came out of Neamatpur workshop and obstructed him from proceeding further and surrounded his car with the help of other people. Ghatak in his written explanation had denied that charge and stated that he had not stopped the Stores Manager's car as alleged. According to Shri Singh when he was going home he was stopped on the way by Ghatak who asked him angrily whether he is going to cooperate or not. According to Shri Singh, other men had collected there. Shri Singh told Ghatak that this was an office matter which should be discussed in the office but he wanted a reply then and there. Shri Singh stated that there was another man who tried to open the door of his car but Ghatak stopped him. He stated that there was no one in front of the car then. He, therefore, drove on but Ghatak was shouting "stop", "stop". Thereupon he went to Mr. Dunn and Deputy Chief Engineer and narrated the incident to them. Next morning he narrated the incident to the Chief Engineer, who suspended Ghatak from work. In answer to the questions in cross-examination at the enquiry Singh stated that he only saw Ghatak standing in the middle of the road and as his attention was focussed on him he did not identify any one in the crowd. He admitted that his car had not been damaged in any way and that Shri Ghatak had only put his hand on the cart. While talking to him. At the enquiry the statement of Mr. Dunn and of Shri H. A. N. Campbell, Deputy Chief Engineer, were also recorded and they corroborated that Shri Singh had seen them on the evening of 15th November, 1957 and had told them that his car had been stopped by Ghatak and that there was a crowd present and he had asked them what to do with regard to it. According to Ghatak he was purchasing fish opposite the transport gate when the Stores Manager stopped the car and he thought he was calling him. Whereupon he went up to him. He did not touch his car. Shri Singh asked him whether he had received the charge sheet to which Ghatak replied that he would take it the next day. Thereupon he asked Singh as to why he was giving so much trouble to him and the Stores Manager asked him to see him in the office the next day. Now, Shri Ajit Roy Mukherjee has argued that this evidence had not established the charge which was of having obstructed the Manager from proceeding further and of having surrounded his car by the help of other people and that it was a minor incident which has been magnified into a serious one in order to support the earlier charge levelled against Ghatak. I am not satisfied that this was convincing evidence to establish that a crowd had surrounded the car or that there had been any obstruction. The fact that Ghatak stopped some other workman from opening the door of the Stores Manager's car shows that he had no intention of obstructing the Stores Manager. There was in my opinion, not enough evidence at the enquiry to establish the charge of obstruction and of Ghatak having surrounded the car and the Enquiry Officer's finding that all this had happened, must be held to be perverse. The order of dismissal passed on this second charge sheet was influenced by the order of the finding on the charge sheet No. 895. The order of dismissal on the second charge sheet would not have been made if Ghatak had not been found guilty of all the charges on the first charge sheet.

21. In the circumstances, I hold that the order of dismissal against Ghatak was not justified and an interference with the order of dismissal passed against Ghatak is called for. No doubt his record of service has not been very satisfactory and there had been a previous order of dismissal passed against him which was cancelled on the intervention of the then Stores Manager. But all the same Ghatak has put in as many as 12 years of continuous service. I therefore think the ends of justice would be met if Shri Ghatak were directed to be reinstated in service without any wages for the entire period from the date of his dismissal with effect from 13th December, 1957 till the date of his reinstatement in service. Shri Ghatak shall be reinstated in service on his presenting himself for the same within a week from the date of this award becomes enforceable, and will be entitled to continuity of service with the period from 13th December, 1957 till date of reinstatement being treated as one of leave without pay.

22. No order as to costs.

(Sd.) SALIM M. MERCHANT,  
Chairman, Central Government's Industrial Tribunal,  
Dhanbad.

DHANBAD,  
The 29th November 1958.

[No. LR11/2(5)/58.]

## ORDERS

*New Delhi, the 5th December 1958*

**S.O. 2596.**—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the New Huntodih Colliery and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

### SCHEDULE

Whether the transfer to Calcutta of Shri J. P. Singh, Despatch Clerk, New Huntodih Colliery, by order dated the 8th September 1958, is justified.

[No. LR II-2(163)/58.]

**S.O. 2597.**—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the Ena Colliery, P. O. Dhansar and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

### SCHEDULE

(1) Whether having regard to the nature of duties performed by Shri P. P. Midya, a clerk in the Despatch Section, the management was justified in placing him in clerical grade I only with effect from the 1st April 1958. If not, with effect from which date he is entitled to the benefit of this grade.

(2) Whether having regard to the nature of duties performed by Shri Ram Raj Prasad, clerk in the Store Section of the Colliery, the management was justified in placing him in clerical grade III as "Store Issue Clerk". If not, which should be his proper grade and designation and from which date.

[No. LR II-2(154)/58.]

*New Delhi, the 8th December 1958*

**S.O. 2598.**—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to Metrathi Gypsum Mines, Udamalpet, Coimbatore District, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Nagpur, constituted under section 7-A of the said Act.

### THE SCHEDULE

Whether after resuming mining operations with effect from the 3rd September, 1958, the management of Metrathi Gypsum Mines, Udamalpet, was justified in imposing a condition to the effect that only such of the workers as were willing to execute an agreement in the form prescribed by the management would be given re-employment in the Mines.

[No. LR II/64(25)/58.]

## CORRIGENDA

New Delhi, the 5th December 1958

**S.O. 2599.**—In the Award of the Industrial Tribunal, Calcutta, in the industrial dispute between the management of the Allahabad Bank Limited, Calcutta and their workmen, published with the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1933, dated the 16th September, 1958, at pages 1767 to 1769 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 20th September, 1958, the following corrections shall be made:—

At page 1767, under "APPEARANCES"

- (i) in the eighth line, after the word "Union" insert "Central Office";
- (ii) in the ninth line, for "Shri Bhupal Sarkar" read 'Shri Bhupesh Sarkar'.

[No. LR-II-10(4)/57.]

New Delhi, the 6th December 1958

**S.O. 2600.**—In the Award of the Industrial Tribunal Calcutta, in the industrial dispute between the management of the Allahabad Bank Limited, Calcutta and their workmen, published with the notification of the Government of India in the Ministry of Labour & Employment No. S.O. 1931, dated the 10th September, 1958, at pages 1763 to 1765 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 20th September, 1958, the following corrections shall be made:—

At page 1763, under "APPEARANCES"

- (i) in the fifth line after "U.P. Bank Employees Union", insert "Central Office",
- (ii) in the seventh line, for "Shri Bhupal Sarkar" read "Shri Bhupesh Sarkar".

[No. LR-II-10(4)/51.]

K. D. HAJELA, Under Secy.

New Delhi, the 5th December 1958

**S.O. 2601.**—In exercise of the powers conferred by the second proviso to sub-section (3) of section 19 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby extends the period of operation of the award of the Industrial Tribunal, Nagpur, published with the notification of the Government of India in the Ministry of Labour and Employment S.O. 3372 dated the 5th October, 1957, for a further period of ten months from the date of the expiry of the period for which the operation of the said award was extended by the notification of the Government of India in the Ministry of Labour and employment No. S.O. 2371 dated the 15th November, 1958.

[No. LRIV 28(46)/58.]

R. C. SAKSENA, Under Secy.

## MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 6th December 1958

**S.O. 2602.**—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Stenographer (Senior Scale) and Stenographer (Junior Scale), All India Radio namely:—

**Short title.**—These rules may be called Broadcasting Stations, All India Radio Recruitment Rules, 1958.

**Method of recruitment.**—Recruitment to the post of Stenographer (Senior Scale) and Stenographer (Junior Scale) shall be made in accordance with the provisions contained in the enclosed schedule.

*Recruitment Rules for the posts of Stenographer (Senior Scale) and Stenographer (Junior Scale)*

Name of post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational & other qualifications required
1	2	3	4	5	6	7
Stenographer (Senior scale)	68	Class III (non-Gazetted) ministerial	Rs. 160-10-330	50 % by selection	25	Matriculation with speed of 120 words per minute in short-hand and 40 words per minute in type-writing essential.
Stenographer (Junior scale)	108	Class III (non-Gazetted) ministerial	Rs. 80-5-120-EB-8-200-10/2-220		25 years.	Matriculation, Speed of 100 words per minute in short-hand and 30 words per minute in type-writing essential.

*II India Radio, Ministry of Information and Broadcasting*

Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation if any	Method of rectt. whether by direct rectt. or by promotion or transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer grades from which promotion to be made	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making rectt.
8	9	10	11	12	13
No	One year for direct recruits.	50% through Employment Exchange and 50 % by selection.	By selection from amongst stenographers in the scale of Rs. 80-8-220 having service for a period of not less than one year on the result of a competitive test in Stenography to be conducted at various Stations of AIR on All India basis.	1. Director of News Services, 2. Director of E. Services, 3. Station Director, AIR, New Delhi.	The 'post is class III and consultation with UPSC not necessary.
Does not arise.	One year.	100% through Employment Exchange.			

[No. 3(37)/56-B(P)B(A).]

C. B. L. MATHUR, Under Secy.

